

Land granted, for Destroying Pine Timber. But in several Patents this useful Clause or Condition has been omitted, And that powerful measure, in such Cases, lost to the Public. Several of these Patents, are now in the Province of New Brunswick, by the late Cession from Nova Scotia; They have been purchased by Individuals, with a view of selling the Pine Timber, with which many of them abound, quite as much as for any purposes of Settlement & Cultivation. Being restrained from Destroying the White Pine Trees set for His Majesty's Service, they have artfully imposed on Lieut. Governor Carleton's inexperience in this particular, & persuaded him to suppose the preservation of White Timber is a Discouragement to the Settlement, and that because the King has Graciously the Land & other Timber, it is an hardship that Pine Trees should be reserved; in this Idea all Granters of Land readily join for if it is admitted they are certainly benefitted in gaining an additional Property from the Public, and obviously to its Irreparable Loss; and the more fatally so, as the Pine Timber in the remaining British Colonies, is now the only resource that can long be relied on; For, since the Restrictions of the Surveyor General's Office has been removed from New England - The Mast Timber is already nearly destroyed, Inasmuch that it is scarce possible to procure a cargo of Large Masts in that Country, & such as may be had, are at enormous price. - Many Attempts were made in the British Colonies, before the American Revolution, to gain a right to all the White Pine Timber, in a manner similar to those now agitated in New Brunswick, And by various other means, all which I effectually resisted, entirely to the approbation of His Majesty's Ministers, as will appear by the inclosures N^o 1 to wherein their opinion of the necessity of controuling & checking such frauds & abuses on the King's Woods, is expressed. - That the Surveyor General of the Woods and his Deputies have a Legal Right to Seize all White Pine Trees or Timber which they find in the Possession of any One, although it may have been set on his Own

own Ground, unless he first obtains a Licence, and that it is their Duty so to do, is evident to me. It has been so considered and often, Judiciously determined in His Majesty's late Colonies in America, where, only one exception was admitted Viz: Where the Pine Timber grew on Lands in the Province of Massachusetts Bay, which were Private Property, and so known, on or before the Year 1690. In all other Cases, it was Decreed or Adjudicated that the Pine Trees were reserved to the Crown, altho' the Lands on which they grew were Granted and became, thereby, private Property. Any other construction, I presume, would be too difficult to reconcile to the Intention & Spirit of the several Acts of Parliament, for the preservation of this Species of Timber. For, if it should be found expedient, & perfectly consistent with His Majesty's Instructions to His Governors in America, to grant all the Lands in their respective Provinces; Can it be reasonable to infer, that all the Pine Timber in British America should thereby be ~~disentitled~~ from the Crown, and the Royal Navy left to the Discretion of Individuals for the preservation of such Timber, or to their Disinterestedness for a ready Supply, at a moderate price, And all the Acts of Parliament relative to this Service wholly defeated? Alas! these are the certain consequences, which my Duty to His Majesty, obliges me to declare, must result from the Measures of relaxation, or surrender of the Publick Rights implied in Lieut. Governor Carleton's Letter; It has already begun to Appear. The Proprietors of Lands Granted, claim the Pine Timber grown on their Lands, and have instituted or commenced Suits at Law against the Contractors for supplying His Majesty's Navy, acting under Licence, for cutting & taking such Timber for His Majesty's service, unless they will pay a considerable price for the Trees. These Actions were brought in April 1791. and it seems they soon after persuaded Lieut. Governor Carleton into their

Opinions