

and his heirs "as long as such a tree shall grow," or "as long as such a tree stands;" and the reason why such limitations are good is given in *Liford's Case*, 11 Co. 46(b), at p. 49(a), and is there said to be because a man may have an inheritance in the tree itself. It is perfectly true there is authority that where trees are sold under a contract that they shall be removed, the trees may, for certain purposes, be held to be chattels, the land being regarded simply as a warehouse for the timber; and, of course, a grant or reservation of timber may be so framed as to grant or reserve, as the case may be, only a chattel interest in the trees. We are not concerned with such cases. The language of section 39 to which I have adverted makes it impossible, in my judgment, to give any other effect to that section than this, that the property in all pine trees standing on a Crown location granted under the provisions of the Mines Act, is to remain in the Crown unaffected entirely by the grant of the location, with all the incidents normally attaching by law to such property. It would follow, of course, that, notwithstanding the grant of the location, the Crown would retain all its powers of dealing with the reserved timber and all such powers are exercisable lawfully with respect to such timber as may be exercised in respect of Crown timber growing upon any part of the Crown domain. It is material to add that, in view of the contentions which have been made in this case, in my judgment this timber falls within the scope of section 3 of the Public Lands Act which vests in the Crown Lands Department the management and sale of the public lands and forests; that such timber, moreover, is timber on the ungranted lands of the Crown, within the meaning of sub-section 1, of section 2, of the Crown Timber Act; and that consequently, it may be made the subject of licenses granted under that section. It would, I think, be an unwarranted restriction upon these words to confine their application to lands the soil of which remained ungranted. The contention that they ought to be so restricted was made by Mr. Anglin, not with much confidence, I thought, but a moment's consideration shews that the difficulties in the way of that construction are insuperable. It is obvious that the Legislature is addressing itself, in this phrase, to the question of the Crown's power of disposition over the timber which is to be the subject of a license granted under those sections. Nobody would argue, for example, that a grant of the minerals would take the land which was the subject