

Some of the old enactments in regard to forest protection are both quaint and interesting. Attention is called to one such instance in a recent work on Alfred the Great. The Law-book in use previous to that issued by Alfred was that of King Ina (688-726).

In the case of damage to a wood, this old law drew a distinction between injury by fire and injury by the axe, and that by fire was punished far more heavily than the other, for this assigned reason—that fire is a thief and works silently, whereas the axe announces itself.

“In case anyone burn a tree in a wood, and it come to light who did it let him pay full penalty, let him give sixty shillings, because fire is a thief. If one fell in a wood ever so many trees and it be found out afterwards, let him pay for three trees, each with thirty shillings. He is not required to pay for more of them, however many they might be, because the axe is a reporter and not a thief.”

“This contrast could be retorted: for it might be urged that if fire is a thief relatively to the owner of a wood, so is it also relatively to the defendant, for it had started up afresh when he had left the place thinking that all was safe. The worst that could be proved on him was the want of sufficient caution. In fact the law is only good as against arson, wanton or malicious; and for that case it is not severe enough. It may be assumed that in the bulk of cases damage by fire would be undesignated and accidental.

“But where the axe is used there can be no doubt about the motive. The man who fells another man’s timber does so plainly with intent to steal, and the noise of the axe is not extenuating but rather aggravating by reason of its audacity.

“In Ina’s law all such considerations were prevented by two venerable maxims which said, ‘Fire is a thief but the axe is outspoken.’ Moreover, as an indication of the national instinct which is favorable to whatever is open and straightforward, it may be interesting; but the distinction was bad as law, and it was abolished by King Alfred. His new law equalized the penalty thus: ‘If a man burn or hew another man’s wood without leave, let him pay for every great tree with five shillings, and afterwards for each, let there be ever so many, with five pence; and a fine of thirty shillings.’”

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The following extracts from an official report of the United States Bureau of Forestry on Forest Conditions in Northern New Hampshire are of interest to Canada:—

The total amount of wood consumed by the mills in this region (310,795,000 ft. B.M.) exceeds the total cut by over