

to the same extent as the article of Lumber, &c. and the same are hereby continued repealed.

II. And be it further enacted, that all square timber for the British market shall not be less than ten inches square, nor shorter than sixteen feet (Hard-Wood excepted, which may be twelve feet long if not less than twelve inches square)—to be square and smoothly hewed, and free from plugs, logs, rotten knots, wind shakes, butt knots and bark—to be square banded, and the taper not to exceed one inch for every fourteen feet in length, the wane not to exceed one inch on each and every corner, where the square is under sixteen inches— from sixteen inches to twenty inches square on each and every corner, two inches wane—and from twenty-one inches square and upwards, three inches wane on each and every corner, to be measured on the wanes; and the difference of the square between any of the sides, shall not exceed two inches; and no log shall have a sweep unless it has two straight sides, and such sweep shall not exceed the rate of five inches to forty feet in length: Provided nevertheless, that timber manufactured before the first day of May next, may be deemed merchantable if it has two straight sides.

III. And be it further enacted, that all timber before exportation shall be surveyed by a sworn Surveyor, who, in ascertaining the contents, shall girth or measure every piece in the middle, and the contents, together with his own mark, number, and purchaser's mark, shall be marked on the butt and of every piece, and he shall furnish the purchaser and seller with one survey bill each, stating separately the number, length, girth or square, and contents of every piece; and such Surveyor shall be entitled to receive at and after the rate of six-pence for every forty cubic feet, to be paid by the purchaser, except in the City and County of St. John, or River Saint John, and the River and Bay of Miramichi, and the several Branches of said Rivers and Bay, where the Surveyor shall be paid at and after the rate of four-pence per ton, to be paid by the purchaser.

IV. And be it further enacted, that all merchantable boards, planks, and scantling, whether for exportation or home consumption, and all clear boards, planks, or scantling, for exportation, shall be square-edged with the saw; all clear boards shall not be less than one inch thick, and merchantable boards not less than seven eighths of an inch thick; no board or plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at one end, that is less than nine inches wide and twelve feet long, and is not sawed of a thickness throughout, and is free from shakes, rotten knots, or worm holes; and purchasers shall not be obliged to take plank with boards, unless by special agreement to do.

V. And be it further enacted, that all boards, planks, and scantling, shall before exportation be surveyed by a sworn Surveyor, who shall mark the contents in board measure, as also his own private mark, on the butt end of every piece of board, plank, or scantling, and shall furnish the purchaser with a survey bill, stating separately the number of pieces, and the quantity of clear and merchantable, and shall be entitled to receive at the rate of one shilling and three-pence per thousand feet of board measure, for surveying, except in the City of Saint John, where one shilling per thousand shall be allowed, and no private mark required, to be paid by the purchaser; and all persons shipping boards, plank, and scantling, not so marked and surveyed, shall forfeit and pay ten shillings for every thousand feet so shipped by them.

VI. And be it further enacted, that all masts shall not be less than three feet and one-fourth of a foot in length to every inch in diameter at the partners, and shall not be deemed merchantable unless free from rotten sap, bark, wind shakes, rotten knots, butt rots and plugs; the size of every mast to be marked on the butt, and the Surveyor shall be entitled to receive at the rate of two shillings and six-pence for the survey of each and every mast; and all persons shipping masts not so surveyed and marked, shall forfeit and pay five pounds for every mast so shipped by them.

VII. And whereas some evil disposed persons are in the practice of plugging timber and masts, for the purpose of passing such timber or masts, by such deceptions, as merchantable, be it therefore further enacted, that any person convicted of plugging any timber or masts, where any defect is covered by such plugging, shall be liable to pay a fine of ten pounds for each and every offence.

VIII. And be it further enacted, that all spars be measured free of bark, at the distance of one-third of the length from the butt, to be straight and square banded; and Surveyors shall be entitled to receive at and after the rate of three-pence for each and every spar surveyed by them, from six to nine inches diameter, and at and after the rate of four-pence for each and every spar being nine inches in diameter and upwards.

IX. And be it further enacted, that no lathwood shall be deemed merchantable unless it be square banded; of straight rilt, free from bark hearts and knots—to be sold by the cord of four feet high and eight feet long—to be piled as close as it can be laid—Surveyors to be allowed at and after the rate of one shilling and three-pence for inspecting and surveying each and every cord, to be paid by the purchaser.

X. And be it further enacted, that all pine shingles shall be eighteen inches long, not less than four inches wide, and three-eighths of an inch thick at the butt; free from sap and worm holes—to be put up in bundles not less than twenty inches wide, and to contain twenty-five tier or courses—four of which bundles shall be reckoned a thousand; that all cedar shingles, dressed or undressed, shall not be less than twenty inches in length, one-half of an inch thick at the butt end, and four inches wide—to be free from knot holes—and all such shingles shall be surveyed by a sworn Surveyor, who shall receive nine-pence per thousand for pine shingles, and one shilling per thousand for cedar shingles—and that cedar shingles shall be sold by tale; and all persons shipping shingles for exportation not surveyed as aforesaid, shall forfeit two shillings and six-pence for each and every thousand shipped by them.

XI. And be it further enacted, that all hogshoaves shall be forty-two inches long, and all bars, staves thirty-two inches long, and not less than three inches and half an inch wide, and half an inch thick on the thin edge, fairly split, and free from rotten knots, splits, and shakes—also free from knot holes and worm holes; and all such staves shall be surveyed by a sworn Surveyor, who shall receive two shillings and six-pence per thousand for such survey.

XII. And be it further enacted, that it shall and

may be lawful for the Justices of the Peace in each County, at their first General Sessions annually, or the Mayor, Aldermen, and Commonalty of the City of Saint John, to appoint fit persons to be Surveyors of Lumber in each County, Town, or place where such may be necessary; which persons shall give bonds in the sum of fifty pounds, with two sufficient sureties in the sum of twenty-five pounds each, and shall be sworn to the faithful and diligent discharge of their duty; and shall continue in such office until other proper persons are appointed in their stead; and on being sworn, shall deliver unto the Clerk of the Peace for the County in which they shall be appointed, the private mark which they shall respectively adopt.

XIII. And be it further enacted, that if any Surveyor of Lumber shall pass any timber, masts, boards, plank, scantling, or any other kind of Lumber, contrary to the provisions of this Act, such Surveyor so offending shall be liable to the party injured for all damages sustained by him, and be subject to the following penalties, namely:—for every ton of timber so passed, the sum of two shillings and six-pence; for every thousand feet of boards, the sum of five shillings; for every mast, the sum of ten shillings; for every spar, the sum of one shilling and six-pence; for every thousand of shingles, the sum of two shillings and six-pence; for every thousand staves, the sum of five shillings.

XIV. And be it further enacted, that it shall and may be lawful for any Surveyor to survey Lumber in any part of the County in which he is appointed.

XV. And be it further enacted, that one-half of all the forfeitures or fines arising by virtue of this Act, shall be to the person or persons who shall sue for the same, and the other half to the benefit of the Poor of the Parish where such offence shall be committed; and if the same shall not exceed five pounds, shall be recoverable, together with the costs of prosecution, before any one of His Majesty's Justices of the Peace of the County where such offence shall have been committed; or where the same shall be more than five pounds, and shall not exceed ten pounds, before any two of His Majesty's Justices of the Peace, on the oath of one or more credible witnesses or witnesses, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice or Justices; and for want of sufficient distress, shall suffer not less than three, nor more than forty days imprisonment; and in case such forfeiture, or the value thereof, shall exceed ten pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province competent to try the same, with costs of suit.

XVI. And be it further enacted, that all prosecutions by force of this Act, shall be commenced within six months from and after the time such offence was committed.

XVII. And be it further enacted, that this Act shall be publicly read by the Clerks of the Peace annually at the opening of the Court of General Sessions of the Peace, at which the appointment of Town or Parish Officers is made.

#### SECRETARY'S OFFICE, 24th May, 1819. CAUTION.

ALL Persons are cautioned against purchasing Allotments made to the MILITARY in this Province since the late War; as no Title can be given to such Lands until the original Military Settlers shall have resided on them for three years, and made a suitable cultivation.

From the Richmond Enquirer, April 16.

The author of the following address does not appear under false colors. He is, and has ever been, warmly the personal and political friend of Mr. Monroe.—Editor.

To JAMES MONROE, President of the United States.

Sir: Your elevation to the honorable station of chief magistrate of a free country, while it insures your being approached with decent respect, does not exempt your official conduct from that free examination which the principles of our government extend to all persons honored with the public confidence. The writer of this article is neither your political or personal enemy. On the contrary, he feels a respect for your character and principles, and sincere regret that one human being should have suspected in the discharge of your official duty as president of the United States, you had not manifested that firmness and independence, which before your elevation formed the most prominent features in your public character. In your political career it was your fate to differ in opinion with some of the most distinguished patriots which America has produced. Not even the venerated name of Washington could prevent your maintaining with freedom and independence the convictions of your own mind. To the exalted opinion entertained of your firmness and independence, and not to your talents, however respectable, you are indebted for your present elevation. Your career as president commenced under circumstances peculiarly fortunate: the termination of the war had crushed the hopes of our enemies, internal and external; and a general disposition seemed to exist to consent to obivion the rumor of party feeling and malice. Your active and zealous exertions during the struggle, may be considered as one only of the circumstances which produced your appointment to the office of president. The real and operative cause, however, is the one

before stated, the general opinion entertained by the great mass of the people of this country, that nature had bestowed on you a character uncommonly firm, and a devotion to the principles of civil liberty and the constitution of your country, which would cause both to be respected as sacred and inviolable.—The most gloomy of your foes would never have predicted that military usurpation or disobedience would have found protection or countenance under your administration. That a military officer, in violation of your instructions, should by his own authority take forcible possession of the territories of a foreign power with whom the United States were at peace, and instead of being reprimanded or dismissed from office, be eulogized by the president. The officer himself denies having violated his instructions. No war, however, existed between Spain and the United States. Your powers of aggression were confined to the Seminole Indians, by whom alone the United States had been invaded, and were derived solely from the law authorising the executive to repel invasion. Nor do I believe you capable of contending, that waging war against a foreign power, vested by the constitution exclusively in congress, could by the executive be made to attach as an incident to repelling an Indian invasion. Not having the power to make war against Spain, you could by instructions transfer no such authority to your commanding general. If indeed such a power could have been vested by you in the commanding general, the capture of St. Marks and Pensacola would have been lawful—nor could either have been restored on your own authority, without the advice and consent of the senate. Your conduct, however, sufficiently manifests your opinion on this transaction. Your commanding general had no authority to make the capture—it was unauthorized and unconstitutional. You repaired, on your own authority, as far as you were able, the injury done to Spain, by promptly restoring places to which the United States could set up no claim but force. In thus promptly repairing the injury done to a foreign power, by an unauthorized and unconstitutional act, your conduct meets the approbation of your country. But when, by your command, the secretary of state eulogized the conduct of the commanding general in these illegal and unconstitutional acts, the president of the United States became identified with his commanding officer, and approved an act which violated the constitution of his country.

It is unnecessary for me to dwell on the evils and inconvenience which must in any country attend a system of relaxed military discipline.—They are already sufficiently exemplified in the conduct of your commanding general. He insulted, in the grossest terms, the governor of Georgia—he received for this act neither reprimand nor censure. He issued orders, in a time of profound peace, for the capture of St. Augustine, without the knowledge, consent or approbation of the executive or his officers, but in the congress of the U. States, the commanding general received neither reprimand nor censure. On the contrary, the address of the secretary of war on this occasion is rather complimentary in its character; more calculated to soothe and soften this hotspur general, than to convey, as it ought to have done, the decided disapprobation of the president of the U. States, of an act manifestly unconstitutional, and which, according to the secretary's own declaration, might by possibility involve the U. States in war, first with Spain, and eventually with Great Britain.

As another consequence of the relaxed state of military discipline, your officers resort in crowds to the seat of the national government, during the session of the legislative body. Many of them freely indulge themselves in intemperate and indecorous observations on members of the legislative body, whose opinions or views differ from their own. Fame has attributed many of these remarks to your favoured major general—Fame has also given to military officers the polished strictures on the report of a committee of the Senate. Under your administration it is for the first time discovered, that the members of the legislative body are subjected to a new species of responsibility. The idea heretofore in this country has been, that a representative of the people was responsible for his legislative opinions to God alone, and to those who confide to him their interests. It seems now, however, that military men may bask in the sunshine of executive favor, and instead of

military employments, for the discharge of the duties of which they are paid by the public, devote their leisure hours to writing intemperate and indecent strictures on members of the legislative body, and so far from concealing their disgrace in thus violating the principles of a free constitution, leave their names with the national printer, as an indirect invitation to prevent combat. This course on the part of your officers will produce one good effect. If you fail in your duty on this occasion, it will enable the legislature to decide whether the present extraordinary course of the military arises from a defect in the regulations for the army, or from a want of firmness in the president of the United States in their execution.

The writer of this article is far from believing that you can consider such a course consistent with the principles of civil liberty. But, sir, suppose the period should arrive when this government shall be administered by a president anxious only for his own aggrandizement, and willing for the purpose of prostrating the other co-ordinate branches of the government, to hunt down certain obnoxious individuals in either branch of the legislature, he has nothing to do but to let loose his military blood-hounds, and the work is accomplished. What the tyrant of Europe turned from their seats the legislative body of France, an indignant world frowned on the act.—The usurpation was open and direct.—It was executed at a time when a great military power ruled the destinies of France and gave law to the nation. This assault on the freedom of the legislature is made under a limited and well-regulated constitution, which secures as a sacred principle a just subordination of the military to the civil powers. It is made in the third year of the administration of a president elevated to that station by the voice of freemen, and honored with their confidence as a reward for his uniform devotion to the principles of civil liberty.

As commander in chief of the armies of the United States, you are responsible to the community for every violation on the part of military officers of the constitution of the U. S. or of the sacred principles of civil liberty. The constitution of the United States vests in congress the exclusive power—

To declare war:

To provide the means of carrying it on:

To regulate captures at sea and on land:

To provide for calling out the militia to execute the laws, to repel invasion and suppress insurrection.

These powers exclusively belong to the national legislature. The people have wisely confided to congress the sword and the purse. No powers can be exercised by the president of the United States in relation to war, except such as are vested in him by law. The attempt which has been made to derive from the law of nations a right to make war against a foreign power without the sanction of congress, is justly calculated to excite well founded alarm in the bosom of every patriot who knows and feels the blessings of a limited constitution. Admit in their full extent all the charges made against Spain, and they amount to nothing more than that Spain had given to the United States just cause of war. Whether it was just cause of war, neither the president of the United States nor his commanding general had a right to decide. The decision of this question belonged exclusively to the congress of the United States. But, sir, whatever may be your opinion on the subject of Pensacola and St. Marks, can you offer any excuse for the order issued as to St. Augustine? This you must admit was a bold usurpation "on the immutable principles of self-defence," by a commanding general, in a time of peace, on powers vested in the congress of the United States. Did not your commanding general raise an army, and if he did not appoint the officers, prescribe the mode in which they should be appointed? Have you, as president of the U. States, reprimanded or censured your officer for any of these acts? Have you not, on the contrary, eulogized the man who walks in triumph over a prostrate constitution? Sir, you have in this respect, disappointed the public expectation.—Your friends expected a course more consistent with your former character and principles.—When gen. Washington, by proclamation, declared the United States at peace, the right to make such a declaration was solemnly denied.—All the popularity of gen. Washington, aided by an ingenious and able defence, was necessary to bear up