

FROM THE NOVASCOTIAN.

CUSTOM HOUSE QUESTION.

MR. EDITOR.—This was unquestionably the grand arena upon which the talent of the House was put forth, and in which its eloquence was armed with thunder. Genuine oratory—not the gewgaws of a debating club oration—not the ornaments and metaphors in which a young spouter would deck his maiden speech—but that plain, manly, energetic, intellectual oratory, which tells upon the understanding, and kindles the heart to a responsive echo—springs only from a real feeling—a thorough and honest conviction of the cause which it advocates. It cannot be feigned, for unless the heart feels there is no inspiration—it cannot be summoned at will, for it rather leads than obeys. Wherever therefore you see in a public Assembly men highly animated in their address—when words flow and images form—when the eye sparkles—and the hand is upraised—and the whole man seems buoyant under the mysterious promptings of the spirit, you may fairly conclude that he speaks as he believes; and that he is come like Othello to tell God's truth. During the discussion of the Custom House Question, I applied these reflections to the manner of the different orators, and I feel myself bound to say, that those who took the lead on the Government and opposition side seemed to be equally satisfied of the justness of their cause.

The question was viewed by them in a two-fold character first, as a measure of policy, and secondly as a matter of right. It was the strong light cast upon both these aspects which gave the opposition a majority—but in my opinion they failed in reasoning equally in both cases; and I now intend to divest the discussion of all the forensic colouring in which it has hitherto been presented to the public mind, and to offer a short and condensed view of the point in dispute.

In the threshold it must be laid down, that the Ministry in the late changes in the Custom Department intended to benefit the Colonies themselves. Petitions, remonstrances and appeals had been presented without number, from all the Colonies—from the West Indies in particular—and the very conspicuous lead which our Assembly took should not be overlooked—against the fees imposed at the Custom House; and the Ministry, unquestionably influenced by the vehemence and universality of these appeals, determined in knocking off the fetters of Colonial servitude, to extend to us the beneficial operation of a system which is now adopted in the ports of the United Kingdom. The highways of Commerce were to be made free—without toll-bar or toll-keeper.

These intentions on the part of the Ministry were confessed by the opposition themselves. It was a chord harped upon in every speech; and was introduced to give them of intention a winning and captivating grace—but in reality to humiliate them with a pitiable inconsistency; forgive me the comparison, but the string of Resolutions which were passed upon that occasion reminded me very strongly of the conduct of that French Knight who in running his rapier with the sangfroid of a Cavalier, through his opponent's vitals, prefaced the fatal pass with a grimace *à la Française* and one of the most obsequious congees imaginable "*Par donnez moi, Je suis votre obéissant serviteur.*" Since the intention was admitted to be good, the enquiry follows, has the measure itself occasioned any injury—has it thrown upon the community any additional burden; has it affected the general welfare and advancement? These are queries which I shall feel extraordinary pleasure in answering.

The returns submitted by the officers of H. M. Customs, at the instance of His Excellency to the Assembly, show that the amount collected for the three past years, even in the depressed state of our commerce, was not much short of the annual expense of the establishment as ordered by the Commissioners to be paid from the amount of duties—if an average was struck from the maximum of fees collected at the Department for the seven past years that it would considerably exceed that allowance, and the following fact is to be specially weighed, that had fees been collected during 1826, from the great increase which has been to our shipping and to our foreign commerce, they would have nearly equalled it. Viewing then the Province as one body-politic; as a community possessing one general and inseparable interest—it may safely be asserted that the national wealth has rather been benefited than injured by the change.

In addition to this view it must not be winked at, that the return of fees would increase for the future, in direct ratio, with the increase of foreign or domestic trade. If in 1826, 300 vessels had entered the port of Halifax, and in 1827 the number had risen to 450, the emoluments of the principal officers, had the old system continued its existence, would just have been increased 50 per cent. Under the new system however, it matters not what the number of arrivals—whether they be 300 or 1000—the officer cannot claim any additional compensation—his salary is fixed—his charge upon the Treasury is settled—and beyond this he dare not step. I grant that the expense of the establishment may still be enlarged by the appointment of an additional number of officers at the out ports; but this is an event which should only be anticipated from the wants of a growing commerce, and the outcry which has already been raised against the caution with which the Commissioners have proceeded, is a decisive proof that they have no intention to favour a heedless or indiscriminate expenditure, and that they will make no appointments unless they are represented to be absolutely indispensable.

But throwing altogether out of view the advantage which we have derived by the abolition of fees in our Provincial ports, when we proceed to estimate the vast sum which is annually saved upon our West India trade, the benefits of the late system, in a pecuniary point of view, seem to me at once so obvious and great, as to be lifted beyond all dispute. It is impossible to make any calculation of this saving with such a degree of accuracy, as to render it testimony of an indisputable character, but still we have some data upon which we may proceed and which may conduct to a result approximating to the truth. In 1826, 262 vessels cleared from the different ports of the Province for the West Indies; their united tonnages was 24,058 tons. By a statement which was published in the papers it appears that in the island of Jamaica, the imposition of the tonnage duty of 2s. 6d. per ton was about equal to the fees abolished.

The calculation then stands thus:—262 vessels, 24,058 tons at 2s. 6d. = £3,006. 15s. — a sum which is now entirely saved. But I am assured that the calculation, which I have made above is far within the truth, the charges in some of the Islands were left to the rapacity of the officer; and I have heard experienced merchants estimate the saving on the West India trade alone at from £5 to £6000 per annum. To this there must still be added the fees before exacted upon the Inter-Colonial Trade, or in Custom House language, upon the vessels "coastwise." If all these items be added together, I am satisfied that they would nearly equal the entire present cost of the Custom

House Establishment; and if the saving in our own ports be brought into the calculation, that the charge now made upon the Revenue, is scarce equal to one half of the amount previously collected. As a mere question of pounds, shillings and pence, we, not the officers of the Custom House, were the gainers.

But one of the grand arguments which was planted by the opposition as a standard of defiance against the authority of the Lords of the Treasury, was the extravagant salaries which they appointed to the principal officers. They jingled the changes upon this, and wished to make it serve as an incantation to the spirit of discontent. Admitting the charge were true, it has no legitimate bearing upon the question—if they were too great and incompetent to our means, a firm representation might have been made; and I cannot libel so intelligent a body by believing that they would disregard any sensible appeal made to their sense of equity or justice. Is the assertion correct—were the salaries fixed? Did not their Lordships state distinctly in the Minute which was communicated by His Excellency, that the late arrangement was to be considered as provisional and not permanent—for what purpose pray has the Surveyor General under the authority of Government been prosecuting a mission of enquiry through these Colonies and the West Indies for fully 18 months; and why if their Lordships are such advocates for extravagance, and wish, as was represented, "to play the Gentleman" at our expense, did THAT GENTLEMAN dare to reduce some salaries which had already received the sanction of his employers? We might have waited calmly, especially when a benefit had been conferred upon us, till the system had been modelled and completed. There is no fear that His Majesty's Ministers, while the history of the American Revolution is stamped in such fresh characters upon the mind, will make any attempt to infringe our constitutional rights. It was ill-advised to sound the tocsin of alarm before the citadel had been attacked; for I am one of those who think that the cry of "Wolf" should never be raised till danger is nigh and threatening death.

The best proof however of their wish to conciliate, and to show that they cherish no covert intention to harass, or lord it with a high and overbearing hand over these Dependencies of the Crown, may be gathered from the Treasury minute, of the 28th April, which was transmitted by His Excellency to the House. In it, it was ordered that an average of the duties collected under the Schedule of the Free Port Act for three years before the 5th of January, 1826, should be ascertained; that one fourth of that sum, provided the duties collected under 6. Geo. IV. chap. 114 did not exceed the average, should only be retained for the payment of the salaries—and that the clear balance should be paid over to the Colonial Treasury. The practical effect of this regulation has been—that many of the Custom House Establishments in the Colonies have been supported for the last year out of the Revenue of the United Kingdom. It did not alleviate our burden, it is true, because our foreign trade received so great an impetus from the new system, that the duties, as ordered by a further provision in the minute, were fully equal to meet the charge of the Salaries. Let this consequence however be noted—had the amount of duties collected under chap. 114, been equal only to the average amount collected under the Free Port Act of 1822, which was about £6000—the Province would have paid £1500 for the support of our Custom House, and the British Government would have contributed the balance.

No wonder that we fling at these Lords of the Treasury—the illiberal presuming fellows! who would knuckle to them?

It was said too that one disadvantage arising from the substitution of Salaries for fees, was, that the whole charge of the C. House was thrown upon us, whereas before it was partly borne by British shipping who came here to load with timber. This is an argument which I have always viewed as one that ought never to have been urged. Independent of all the ties of good feeling, independent of the gratitude which is due from the Colony to its Parent—I ask upon what principle of justice is it, that our vessels should enter Great Britain without being liable to fees—that the Atlantic and Hannah and Margaret should sweep into the ports of Liverpool and London without one farthing being demanded at the Custom House—and yet that the instant an English vessel enters Halifax the owner should be subjected to a heavy bill of costs. But veiling the injustice of the claim, what would the sum amount to—of the 1427 vessels which entered our ports last year, 81 were from England, and this number includes both those belonging to the Province, and to the shipowners of the mother country.

None has ever gone so far as to deny that Government had the legal right of imposing fees to defray the expenses of the C. House. This power is conceded. I need not go to Law or Statute—because it has never been denied. It will not be argued that that power was either rendered negatory or limited in its authority by the introduction of the new system—suppose then that the Ministry, indignant at the ingratitude with which their boon has been received, should in a spirit of revenge root it up from the very foundation, place their establishment upon its former basis, and restore the fees! Could we resist—what appeal could we make against their introduction? We could not pretend that the fees were odious or onerous, because we have kicked against their abolition—we could not petition for the re-establishment of the present system without libelling our own consistency; and I can see no middle path. In such a dilemma how would their Lordships reason. "For more than half a century we have supported our officers by fees, and the Colonies never questioned our authority—they have complained of them in particular instances, but have never denied our power to exact them—they have beseeched us to remove them—in obedience to their wishes we applied for one general act to abolish all fees in the Colonies—and to support our officers by salaries from the Provincial Revenues—these in many places are scarce half the amount which our officers before levied; and yet the Colonies have risen in arms and charge us with an invasion of our rights. Let us then retrace our steps—exact our fees—and restore peace and tranquillity." This reasoning on the part of their Lordships would be perfectly legitimate—and it would be just; but what would be its consequences? The Province would storm from one end to the other. The coalcarriers from Cape Breton, the fishermen from Sable to Canso, the Plaster merchants in the Basin of Minas would almost be ready to appeal to arms; and in place of that peaceful and prosperous tranquillity which we enjoy under the present system, we should have loud and angry curses and complaints.

I will yield however this much to the majority, that if the Lords of the Treasury have trenched upon our rights in the smallest degree, it became us to resist the attempt whatever should be the consequence. This then offers itself as the next point of enquiry, and I shall proceed to offer some remarks upon this question.

ESCHINUS.