

FROM THE NOVASCOTIAN.

CUSTOM HOUSE QUESTION.

[Continued.]

In my last letter I proposed to institute an enquiry whether the Lords of the Treasury were fairly chargeable with an attempt to trench upon our rights, in the new Custom House regulations, and shall now endeavour to redeem my pledge. On the threshold of this enquiry, I would remark that nothing is more dangerous, than the introduction, into a question of practical Government, of any refined speculations about civil liberty or the natural rights of man. A theory may be supported by the most brilliant and attractive reasoning—eloquence may array it in its splendid plumage—an appeal may be made to fact and to history which appears appropriate and convincing; and yet after all, the whole structure may be an illusion, capable of being levelled by one blow from the powerful arm of truth. I need not appeal to the philosophical systems of the ancient world—to the metaphysical absurdities of the middle ages—to the dreary and mystic doctrines of Melancthon—to the bewildering visions of the French Revolutionary writers, whom Burke drove from the field in such pitiable discomfiture—every reader will at once be satisfied with the justness of my remark, and confess that it is consistent with the history of learning and the experience of the world.

Now Sir, this, as it occurs to me, was the great error of those advocates, who pleaded with such earnestness the indefeasible rights of the Colonial Legislature, to all duties levied upon their Constituents. I charge them with no sinister or designing purpose—I give them credit for upright and even honourable intentions; but the whole basis of their argument appeared to me unstable, and where the premises are incorrect, it is not possible that the conclusions can be reasonable or sound. They viewed the subject as speculative philosophers—not as practical men or cautious and experienced Legislators.

The whole of their argument upon the Constitutional rights was founded upon this principle.

That a British subject, whether he lived upon his native territory, or emigrated to the uttermost part of the earth, could never shake off his allegiance to the King—he was bound to beware of what engagements he contracted—as he remained for ever subject to its constraints; but in return he enjoyed the glorious privilege of never being made liable to a tax, to which he had not given his assent either personally or by the sanction of his Representative. It was the fundamental and the noblest principle of the British constitution, that there could be no taxation without representation—an acknowledgement of the principle had been wrung from the Ministry by the charter of Colonial Liberty—18 Geo. III cap. 12:—on this the speakers mainly insisted—planted themselves upon this high pinnacle, and who had the power to drive them from their "vantage-ground?" Here was their resting place; and ne'er could strutting chancleer crow more valiantly or with louder notes than they.

Now, upon this I have first to argue that the principle itself is but an ingenious fiction of the Constitution, and which cannot, and in no form of Government except a pure democracy ever can be reduced to practice. Let me first produce to England herself—England, free and happy England, where according to universal admission, civil liberty is enjoyed in its purest and most permanent form. Examine the state of her representation, and you will find that nineteen twentieths of the population have no voice in the election of Representatives.

There are great cities—such, for instance, as Manchester and Birmingham, the first containing a population of 84,000 souls, and the last 73,670—which do not possess a member, and yet they are as much bound by the laws of Parliament as the twelve pauper inhabitants in the borough of Old Sarum, whose interests have the honour of being protected by the heir to an Earldom. The following table, however, shewing the disproportion between the representation of Middlesex and Surry, with London and Westminster; as contrasted with six boroughs, electing an equal number of Representatives, I submit to the attention of my opponents as the best answer to their theory, and to the speculative colouring with which they took pains to adorn it.

Places,	Electors,	Members
London,	7000	send 4
Westminster,	15,000	2
Middlesex,	3,500	2
Surry,	4,500	2
Southwark,	2,000	2
	27,000	12
Newton,	1	2
Old Sarum,	1	2
Midhurst,	2	2
Castle Rising,	2	2
Marlborough,	2	2
Downton,	4	2
	12	12

Here, then, the city of London with its population, according to the last census, of 864,845 inhabitants has 7000 Electors and sends 4 members, while Castle Rising, an obscure village, with a scattered population, amounting altogether to not 1000 inhabitants has only 2 Electors and these have the privilege of returning 2 Members to the British House of Commons out of the 658 of which it is composed. Scotland again with a population of upwards of two millions, returns 45 Members; and the suffrages for those are confined to 3118 persons—which is little more than one thousandth part of the population.

It may be urged by my opponents, that this is no answer to their argument—that it does not disprove their principle—that the whole population is virtually represented although they have not the individual power of Election, and that I am merely skirmishing with a view of maintaining a position. Allow me to tell them, that if they are to proceed on what they would dignify with the title of original principles—the intellectual groundwork of civil liberty—I must claim the same indulgence. I must offer and argue upon my theory of representation—and it is this—that no person is actually represented in Parliament who has not been Polled at the Hustings. Grant me my theory and carry theirs to its full limits, convince that vast and overwhelming majority of the subjects of the British realm who are disfranchised, that under the immortal charter of the Constitution there can be no 'taxation without representation', that they are not bound to pay the taxes of the Government, because they have no voice or controul in its measure; and what would be the consequence—a civil war would ensue; and the massive Corinthian pillars of English freedom would be convulsed and dashed ruthlessly to the ground.

But I am anxious to meet this argument, which the advocates of Colonial Liberty urged with so much zeal and pertinacity, on every side. The ACTUAL representation, under the English Constitution is vested only in real estate—in the owners of the soil. In this Province, every individual who owns a property, yielding him a clear annual revenue of forty shillings, is endowed with

the Elective franchise—there is no exclusion here—it is a right common to, and enjoyed by all—for we have no borough system at once the blot and safety of English Freedom. To that class of proprietors, the right both here and in Great Britain is strictly confined. A person may have £4,000 or £10,000 engaged in domestic trade—and Foreign commerce—his ships may spread their sails to every breeze and beat their way in every ocean—his stores may be loaded with goods—his enterprises may give employment to thousands, he may derive from his transactions a clear annual income of £1,000; and yet the law does not allow him to vote. But will any of these men carry their speculative doctrines so far, as to say, that although he be deprived of this privilege he is not to be bound by the general laws of the kingdom—or by those expressly framed for the regulation and protection of trade. If the Legislature order the exaction of a tonnage duty in order to maintain Light-houses—to support a vigilant preventive service—to enforce an effective system of excise—can he refuse to pay his quota? Would the Law, would reason and common sense bear him out in such obstinacy. Sir, there is not an unlettered man in the whole extent of the Province, to whose plain judgment I would not willingly submit the question. The answer is obvious—it would be—No! Then away, away with these refined speculations—they are arrent sophisms—which the moment they are subjected to the ordeal of enquiry, dissipate under the fierce and luminous rays of truth.

I shall continue this subject in my next. ESCHINUS.

Extract of a letter from Windsor, June 8. Our ride from town yesterday, was far from agreeable. We were enveloped in smoke and dust nearly the whole way. The Attorney General, I was told, set fire a day or two ago to a piece of land he was clearing, and the flames, favoured by a high wind and the extreme dryness of the woods spread far and wide and committed dreadful havoc on the ancient tenants of the forest. Along the highway from half a mile beyond Lacey's, till within a mile and a half of the Hon. T. N. Jeffrey's farm, the woods have fallen victims to the consuming element, and stand blackened and scathed and desolate. As we whirled along through the flames, which in some parts were still crackling and in full activity, my imagination transported me for a moment to the Savannahs of South America, where travellers are said to have been pursued by fires with a speed surpassing that of Mazeppa's charger, and with a frightful roar and rush resembling the peals of distant thunder, or the beatings of an angry surge. Not that I would have you to imagine the Windsor-road conflagration by any means so alarming or terrible in its effects. Some damage has been done, though less than might have been fairly apprehended. Mr. Fitzmorris' barn, I am sorry to say, was burned to the ground and the dwelling house was in imminent danger but fortunately escaped. The country is strikingly beautiful, but evidently languishes for rain. A heavy shower or two would communicate a richer verdure, and refresh the whole face of nature with a new life and vigour.

Newspapers by private Ships.—It affords us much pleasure to be able to state, that the great inconvenience to which the public, and mercantile men in particular, have long been put, by being prevented from receiving by post, newspapers brought to this country by private ships, except under a postage charged by weight, which acted as a prohibition, is about to be removed. We annex the following extract from a letter upon this subject, which we have received from

Mr. Palmer, the able and active member for Surrey, to whom the public is much indebted for his exertions on this occasion:—

"We had a meeting yesterday with Mr. Herries and Mr. Freeling on the subject of the postage bill; and your letter, (of which I had given an extract to Mr. Herries) was my brief."

"I am happy to say that they have agreed that in the bill now passing through Parliament, many of our suggestions be attended to."

"They could not be prevailed upon to take off the 1 1/2d. charge from the newspapers for packet postage; but they agreed to remove altogether the charge for the covers or packages—the same advantages to be given to the newspapers coming by private ships, as are given to those coming by the packet. No separate charge is to be made for each sheet of newspaper, but all the sheets, published on the same day, are to be considered as one newspaper; and a week is to be given for the putting in newspapers after their publication. Thus you will see that almost all your suggestions have been adopted."—Glasgow Courier.

AN AWFUL MOMENT.

I sailed from New Orleans in the beginning of February, in a small schooner, bound for New York. We descended the river without any accident, and went to sea with a fine breeze. We had favourable winds and good weather for the first five days; on the morning of the sixth it began to cloud up; as the day wore away, the gloom increased; and when the night set in, it was as intensely dark as I ever remember to have seen it. The novelty and interest of my situation prevented me from turning in. The scene was awfully grand; the rolling of the thunder could just be distinguished above the roaring of the waves, and the vivid flashes of lightning displayed for a moment the raging waters round us. I continued walking the deck with the captain, who was relating to me some of the many dangers and difficulties that a life of thirty years on the ocean had subjected him to. He had been thrice shipwrecked, and twice captured by the enemy in the late war with England. He was a good seaman, and had all the virtues and vices of a sailor. We continued on deck some time, the wind was increased to a gale. The waves ran mountains high, and our little vessel danced over them in fine style, when accidentally casting my eye over her side, I thought I perceived something dark moving in the water; I pointed it out to the captain, who no sooner saw it, than, with an exclamation of terror and despair, he cried, "We are all lost!" and sprung to the binnacle for his trumpet. I saw in an instant our danger; it was a large ship bearing full upon us. I knew if she struck us our destruction was inevitable; she would pass over us in a moment; the people on her deck would be scarcely sensible of the event, and we should be buried in the ocean without the least possibility of relief. The captain twice raised his trumpet to hail her, but fright and despair made him mute. I snatched it from him, and in a voice rendered supernaturally loud by the danger of my situation, and which was heard even above the roaring of the waves, I hailed her with "Starboard your helm." In an instant after I heard the officer of her deck, in a voice scarcely less loud than mine, pass the word of "hard a starboard." In another moment she passed us with the velocity of lightning, her huge bulk and lofty sails casting a still deeper gloom over the deck of our little vessel. She rolled in the chasm occasioned by the passing of the vast body so nigh her, and nearly upset. I sunk on deck, overcome by the intensity of my feelings, deprived, as it were, of power of motion.