

FROM THE NOVASCOTIAN.

CUSTOM HOUSE QUESTION.

[Continued.]

Mr. Editor,

In my last letter, I argued at some length upon the true construction, which, as it appears to me, we are bound to put upon the word PRODUCE in the 13th section of the Colonial Act of 6. Geo. 4. — as meaning not the gross, but the net produce of the duties levied by its authority: And have now, in the second place, to remark, that the opposite interpretation, which was given to the section, and upon which the two remonstrances of our Assembly were founded, is at variance with the manifest intention of its Framers; as is evident to my own mind, from the following considerations. The new system emanated from the Ministry — the abolition of the fees was contemporaneous with the freedom given to our trade — the arrangement of the Treasury so far as regards our Custom House establishment, was known here before that system went into operation; and it is folly to suppose, that the Ministry could at one moment, introduce an Act into Parliament, conferring upon us the sole disposal of the Crown duties, and ordering their whole receipts to be paid into the Colonial Treasury; and in the next that the Lords of the Treasury should be permitted to affix salaries to the officers of the Customs, and to deduct the other necessary expences of collection. We all know, Sir, that an Act of Parliament is the highest authority in the land, agreeably to the principles of the Constitution. Depend upon it they would not array themselves against the clear and imperative language of a statute. Considering that the Act proceeded from themselves, I can never believe that their councils are so destitute of intelligence or comprehension, as to allow such an inconsistency to appear. They meant the word produce to be the NET produce, and to give it any other interpretation is to sacrifice reason to a quibble.

But, in the third place, were we entitled to such a boon — could we claim it in common honesty and justice? What says the charter of our liberties the 18th Geo. III. quoted in my last? "That His Majesty will not impose any duty, tax or assessment whatever, payable in any of His Majesty's Colonies, Provinces, and Plantations, in North America or the West Indies, excepting only such duties as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be always paid and applied to and for the use of the colony, province or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the representative General Courts or General Assemblies, or such Colonies, Provinces or Plantations, are ordinarily paid or applied." Here our rights are clearly defined. His Majesty has retained the power of imposing only such taxes as are necessary for the regulation of Commerce, and engages to pay over to the Treasury of the Colony in which they are collected, their NET produce.

This power we have never disputed. The authority which imposed the duties has never been cavilled at — it is only their appropriation that displeases; and yet, forget it not, notwithstanding all this cry about no taxation without representation &c., the very right His Majesty claims in this instance he has enjoyed since the era of American Independence. The old Crown duties collected under the Imperial Act, passed previous to 18th Geo. 3. have been levied, and are levied at the Custom House, at the same moment — they are regularly paid

general Revenue of the Kingdom; and no account of them is ever rendered to us.

No Colonist will deny the perfect equity and justice of that right, which the Parent Government claims of regulating our general Commerce. This is the only source of advantage she receives in exchange, for the protection which we derive from her power, and for the vast sum which she is annually expending amongst us. By it she remains us as customers — it is the only mark of our vassalage; and if we denied this, it would be synonymous with a declaration of Independence. The opposition never pretended to deny it — but I contend, that if their wishes be assented to, the power of the Government would be virtually destroyed. To preserve a consistency of plan, the same power which passes a law or issues an order, have authority to put it in force. It would thus be vain for the Parliament to enact statutes for the regulation of the Colonial Trade, unless the officers of Customs were amenable to that same power which regulates the whole commerce of the Kingdom itself. Who, I demand, has the power over a servant — but the person who pays him? If the charge of the Custom House Department were incorporated into the Civil list of the Colony, and left to the capricious and vacillating councils of an Assembly, that Assembly would become their masters. The unity of system, which the Ministry were anxious to introduce, would be broken up and desolved. Jamaica will pass a tonnage duty — Halifax may charge an impost upon foreign shipping — Barbadoes may adopt a third mode — and the Collectors of the Customs, charged with the execution of their orders, would have to come cap in hand to the Representatives of the people, and present them with the annual returns. If any error has been committed, the Assembly must have the power of punishment and proscription. The state of servitude would then be complete — a servitude more galling than that of Egypt would be established — and the law of your Imperial Parliament would not be valued a straw.

That such would be the effect — that the Statutes of the Imperial Power would be disregarded, is, I think, unquestionable. Now, Sir, casting from our view all considerations of right, I much fear that we have not sufficient intelligence, we have neither sufficient extent of knowledge, nor scope of observation and experience, to enable us to legislate upon commerce with the same wisdom as the Imperial Parliament. As one individual, I am satisfied from a deliberate view of the late system, that it is a proof of the most transcendent wisdom, and stretches far beyond the power of our Legislators — intelligent and acute, as they are acknowledged to be.

Again; could we expect that His Majesty's Ministers would relieve us of all those fees, by which their officers were supported, and throw these officers upon our mercy? They undoubtedly intended to benefit the Colonies by the change; but it is absurd to suppose, that to accomplish this, they would assume a when burden upon themselves — especially when the opposition were attacking not only the extravagance but the policy of a Colonial expenditure altogether. This truly would be giving away an estate and then paying for the deeds of conveyance.

But, Mr. Editor, it has always occurred to me that in this arrangement, we have no right to complain; because the same system is followed in the Colonies, which prevail in the United Kingdom itself. On the Commissioners of Customs, as I have already shown by an extract in my letter of last week from the Imperial Act, 6. Geo. IV. c. 106. sec. 11, a power is conferred of managing and collecting the Customs, not only in the

Kingdom but in the Colonies. The bounds of that power are co-extensive with the British Empire. By the 4th section of the same statute it is enacted, "That the said Commissioners and Assistant Commissioners so appointed, or to be appointed by His Majesty, shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and controul of the Commissioners of His Majesty's Treasury, and shall obey such orders and instructions as shall from time to time be issued to them by the said Commissioners of His Majesty's Treasury under the hands of three or more of them."

And again in the 7th section; "that it shall be lawful for the said Commissioners of His Majesty's Treasury, or for the Commissioners of His Majesty's Customs under the authority of the said Commissioners of His Majesty's Treasury, to appoint proper persons to execute the duties of the several offices necessary to the due management and collection of the Customs, and all matters connected therewith, under the controul and direction of the Commissioners of His Majesty's Customs; granting or allowing to such persons such salaries or other allowance, or permitting such emoluments for the labour and responsibility in executing the duties of their various offices or employments, and requiring of such persons such securities for their good conduct therein as the said Commissioners of His Majesty's Treasury shall deem to be reasonable and necessary; and such persons shall hold their office during the will and pleasure of the said Commissioners of His Majesty's Treasury or the Commissioners of His Majesty's Customs sitting and acting in England, in such cases and in such manner as the said Commissioners of His Majesty's Treasury shall direct."

What, then, do we find in a British Statute? 1st. that the management and collection of the Customs is vested in the Board of Commissioners, who are subject to the controul of His Majesty's Treasury; and next, that it shall be lawful for the latter power, of themselves, or for the former acting under their authority, to appoint the several officers necessary to the due management of the Customs, and to allow them such salaries as they shall deem reasonable and necessary.

The power, therefore, of the Lords of the Treasury to make and enforce the late arrangement, was, in the first place, strictly in accordance with the system pursued in the Mother Country; and in the second sanctioned by the clear and unequivocal words of an Imperial Act. We are placed exactly in the same situation with the native-born subject — one measure of justice was meted to both — if an injury was done to us, it was also inflicted upon him.

During the course of the discussion, the most contemptuous allusions were made to the Commissioners of the Customs — "what body were they, forsooth, who were to arrogate a supreme power over the Revenue of this Colony — were we to submit to the dispicable slavery of their controul?" Were these charges deserved — did the circumstances call for them? Were we submitting to the Commissioners of the Customs? Examine the extracts which I have given above, and it will be discovered that we have been called to obey not the mandate of an inferior Board, but the Commissioners of His Majesty's Treasury themselves. And who are they? Sir, they are the Prime Ministers of England — the highest Officers in the State. Lord Liverpool was, and now the Right Honourable George Canning is at the head of those very personages, who were held as objects for our contempt and scorn. Here is the list for the consideration

of the public, before the changes took place in the Cabinet —

Earl of Liverpool,
Rt. Hon. F. Robinson,
Viscount Lowther,
C. H. Somerset, Esq.
Earl of Mountcharles, and
E. A. M'Naughten, Esq.

Mr. Lushington & Mr. Herries — Joint Secy's
Truly, the Representatives of Nova Scotia had a right to throw reflections against the respectability of so inferior a body; and displayed their good sense and good taste, in giving free scope to the sarcasm and wit, which derive their point in such cases, from a conscious superiority. But the inhabitants of this colony can never feel themselves aggrieved, when placed upon the same footing, and under the control of the same laws, with those of the Mother Country. They are quite safe in the hands of a public body, to whom the rights and liberties of their fellow subjects on the European side of the Atlantic are voluntarily and fearlessly entrusted; and who are charged with the management equally of the Home and Colonial Customs, and the appointing and paying of the officers. Had the Lords of the Treasury in our case, after the salaries and allowances were settled, discovered a disposition to burden our slender revenue with sinecures or such as were too extravagant for our means, we could have petitioned His Majesty, set forth the whole facts, and have no reason to believe that a temperate, judicious remonstrance would have been either rejected or despised.

With these views, Mr. Editor, I have brought my argument to a close, which touches the question of constitutional right. And had not my letters on this subject extended to a greater length than I anticipated at the outset, I would be tempted to enter more at large upon the general character and tendency of the late commercial changes in the policy adopted towards these Colonies: Nor would I despair of very clearly establishing their beneficial influence upon our future advancement and prosperity, and of convincing every unprejudiced and thinking mind, how extremely unwise it is to carp and cavil at the subordinate though essential arrangements in a system manifestly designed and working for our benefit. But this view of the matter, I shall reserve for a future discussion — and in the meanwhile take my leave.

ESCHINUS.

THE NEW MINISTRY.

[From the New-York Albion.]

It may be expected of us to say a few words upon this important subject; we have therefore enumerated the different members, making a casual remark or two upon each, as we pass them in review. It will be observed, on referring to the list, that of the eleven members which compose the King's Cabinet, seven of the old members remain; four, only, are new. First then, of

THE OLD MEMBERS.

1. The Earl of Harrowby, President of the Council. — This nobleman (formerly Dudley Ryder) has for many years filled the important office he now holds with great dignity and honor. He comes with a class of "liberal Tories," and votes for the Catholic claims. He enjoys the confidence of his sovereign, the respect of the people, and the friendship of Mr. Canning.

2. Lord Bexley, Chancellor of the Duchy of Lancaster. — His Lordship retains his place: having very wisely thought better of his precipitancy in resigning. He was formerly well known as Nicholas Vansittart, Chancellor of the Exchequer, and was always considered an honest and laborious financial Minister. The title conferred on him, leaving that arduous office, is sufficient