such Fish are shipped for exportation ; and every such Master, owner, or shipper, shall take and subscribe the following Oath, before the said Collector or Comptroller :—

" I, A. B. do swear, according to the best of my knowledge and belief, that the Certificate or Certificates, hereunto annexed, contains the whole quantity of Pickled Fish, shipped on board the Master, by or for me, and that no Fish is shipped on board said Vessel for the Ship's Company, or on Freight or Cargo, but what is inspected and branded according to the Law of this Province. So Help me God."

VII. *And be it further enacted*, That if the Master of any vessel, or any other person shall put or receive on board any vessel, or other carriage or conveyance, to transport the same from this Province, any Pickled Fish packed in Casks, which are not inspected and branded in manner by this Act prescribed, he or they, on conviction, shall forfeit and pay a sum not exceeding Twenty Shillings, nor less than Five Shillings, for every hundred pounds of such uninspected Fish.

VIII. *And be it further enacted*, That the said Inspectors shall respectively be paid for inspecting and branding each and every cask of Fish, as directed by this Act, at and after the following rates, viz. :—For each Barrel, where the quantity inspected for any individual at any one time, does not exceed One Hundred Barrels, the sum of sixpence per Barrel, and for Tierces and half Tierces in the same proportion ; and when the quantity inspected for any individual at one time, shall exceed one hundred barrels, five pence per Barrel ; and for Tierces and half tierces in the like proportion. The said charge for inspecting and branding to be paid by the person or persons who shall employ such inspector. And when any such Inspector shall be required to travel any distance exceeding two miles, from his usual place of residence, for the purpose of inspecting any Fish, he shall be entitled to receive, in addition to the charge for inspecting, sixpence per mile, for every mile he shall so travel, exceeding the said two miles, the same to be paid by the person employing such Inspector.

IX. *And be it further enacted*, That if any Inspector shall brand any Cask, the contents of which he has not inspected according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brand or brands in violation or evasion thereof, he or they so offending, shall forfeit and pay for every Cask so branded, not less than five shillings, nor more than twenty shillings, and to be liable to be removed from office.

X. *And be it further enacted*, That in all cases when the person or persons, employing any Inspector, shall neglect or refuse to furnish such assistance as may be necessary, to enable the said Inspector to weigh and pack at least twenty Barrels of Fish per day, it shall and may be lawful for the said Inspector to employ such persons as he may require to weigh and pack such Fish, for which he shall be entitled to receive from the person or persons who shall employ him, over and above the charge for inspection, the sum of five pence per Barrel, for any quantity under one hundred Barrels, and where the quantity shall exceed one hundred Barrels, four pence per barrel.

XI. *And be it further enacted*, That if any Pickled Fish as aforesaid, shall be put on board any boat, vessel or carriage of conveyance, with intent to sell or export the same, contrary to the provisions of this Act, it shall be lawful for any Justice of the Peace, in the same County, or City and County, upon information given him to issue his Warrant to the Sheriff or his Deputy, or to any Constable of the Town in which such Boat, Vessel or Carriage may be, requiring them respectively to seize and secure said Fish, and carry the same to the nearest Inspector, and such Inspector is hereby required to open and inspect, and to pack and brand the same, as is before provided in this Act, and to detain the same until the expense and charges of seizure, inspection, packing, and all other charges arising from such seizure, shall be paid : And it shall be the duty of every person, when required, to give his necessary aid to the officer having such warrant, on pain of forfeiting twenty shillings for his refusal.

XII. *And be it further enacted*, That all kinds of Pickled Fish, which are packed in Tierces, Barrels and half barrels, that are offered for sale for the consumption of this Province, shall be packed and put up in the way and manner aforesaid, except that the quantity of salt necessary to pack such Fish, shall be regulated by the persons inspecting such Fish ; and all penalties and forfeitures imposed and arising by virtue of this Act, where the same shall not exceed the sum of Five Pounds, shall be recoverable before any Justice of the Peace ; or where the same shall be more than Five Pounds, and shall not exceed Fifteen Pounds, before any two of His Majesty's Justices of the Peace, together with the costs of prosecution, on the oath of one or more credible witness or witnesses, and to be levied by warrant of distress, under the hand and seal of such Justice or Justices, and sale of the offender's goods and chattels ; and for want of sufficient distress, such offender shall suffer, not less than five days, nor more than thirty days imprisonment ; and in case such fine shall exceed Fifteen Pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, by action of debt, together with costs of suit ; one half of all such penalties and forfeitures, to be paid to the person or persons who shall sue for the same, and the other half to be paid to the Overseers of the Poor of the Town or Parish, where such offence shall be committed, for the benefit of the Poor of such Town or Parish.

XIII. *Provided always, and be it further enacted*, That nothing in this Act shall be construed so as to prevent uninspected Mackerel, or other Pickled Fish, from being sold at any of the Ports of this Province by the Fishermen as they may bring them to Market in Casks, bulk or otherwise, which may be wanted for immediate consumption, or be afterwards subject to inspection ; and that nothing contained in this Act shall extend to Fish packed in Kegs of less than ten gallons.

XIV. *And be it further enacted*, That if the owner of any Pickled Fish inspected as aforesaid, or the buyer or seller of any such Fish, shall be dissatisfied with any such inspection, it shall and may be lawful for the said owner to call two other Inspectors, or the said buyer and seller to call one other inspector each, to re-inspect such Fish, and in case the said two inspectors cannot agree, then they shall be at liberty to call in a third Inspector, and the determination of the said Inspectors, or any two of them, shall be final and conclusive : And in case the survey of the first Inspector shall not be confirmed, then the expense of such re-inspection shall be paid by the said first Inspector ; and if the first Inspection shall be confirmed, then each of the said Inspectors shall be paid by the persons who shall respectively employ them.

XV. *And be it further enacted*, That if any Inspector shall brand and mark any Fish, which shall remain in this Province, and which on examination within four months after such inspection, shall prove to be of a quality inferior to the brand on such Fish, such Inspector shall be liable to the person or persons, who shall own the said Fish, at the time of such examination, for all such damage as he or they may have sustained, by reason of the said Fish proving inferior to the brand on such Casks ; and that such person or persons shall recover from such Inspector all such damage as he or they shall have sustained thereby, when the same does not exceed Five Pounds, before one of His Majesty's Justices of the Peace, or if the same shall exceed the sum of Five Pounds, and be less than Fifteen Pounds, then before two of His Majesty's Justices of the Peace, and in all cases where the damage shall exceed the sum of fifteen pounds, by action of Debt in any Court of Record in this Province, together with costs of suit : *Provided always*, that no Inspector shall be liable as aforesaid, unless he shall be duly notified of such claim within Six Months after he shall have inspected such Fish.

XVI. *And be it further enacted*, That there shall be three qualities of Dry Cod Fish, viz :—The first or best, to be called merchantable, and to consist of smooth well-split, thoroughly dried, free from break, salt-burn, and not discoloured in curing or otherwise, and that no Fish shall be deemed merchantable, but such as are cured in catch ; the second quality to be called Madeira, and to consist of the next best, being such as are not injured by being salt burnt, broken, or much discolored ; and the third quality to be called West-India, and to consist of such as may be inferior to the above, but in all respects sound, free from slime, and wholesome ; and that Inspectors duly appointed under this Act, shall be allowed for their care, diligence, and trouble, two pence per Quintal, payable half by the seller and half by the buyer.

XVII. *And be it further enacted*, That this Act shall continue in force until the expiration of Five Years.

XVIII. *And be it further enacted*, That this Act shall not extend, or be construed to extend, to any Pickled Fish which shall be caught and cured by the first day of June next.

GREAT-BRITAIN, &C.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

AFFAIRS OF GREECE.—Lord Holland contended that Greece ought to have a territory so large as to enable her to defend herself against all attacks. He asserted that the conduct of Ministers towards Greece, Turkey, and the allied powers had been reprehensible ; and that having at first encouraged and excited Turkey to resistance against Russia, they had pusillanimously deserted her in the hour of defeat. He was answered by Lord Aberdeen and the Duke of Wellington.

Lord ABERDEEN stated an important fact, that the settlement of the Greek question contained provisions more favorable to the Greek nation, both as to territory and to independence ; than had ever been dreamed of by Mr. Canning himself, with whom the Greek treaty originated.

The Duke of WELLINGTON contended that the hostile spirit and the most outrageous acts of the Grand Seignor had *preceded* the accession of the present Ministers to office ; that Mr. Stratford Canning's departure from Constantinople was not the measure of those Ministers ; that the inquiry into the conduct of the British Admiral was the act of their predecessors ; that the famous Hatti Sheriff, which was almost a declaration of war by the Porte against Russia, had been delivered before the Duke of Wellington's Cabinet was formed ;—that instead of Candia being, by the Treaty of July, or by the last year's protocol, transferred from Turkey to the hands of Greece, such a transfer was wholly impossible under either, because, to be transferred, it must first be conquered from the Turks—an enterprise which was never once contemplated by the treaty, the protocol, or their authors. His Grace also assured the House, that so far from encouraging the Turks to resistance, he and his colleagues, foreseeing from the outset what must be the issue of a contest between two such ill matched powers, which contest, he said, ought to have been ended by one campaign—that their utmost efforts had been employed, before hostilities commenced, and at every stage of their continuance, to prevail on the Turk to give satisfaction to his Imperial Majesty, who had *right, undoubted right* on his side. To the charge of pusilanimity,—the Duke declared that justice and policy both rendered it inexcuseable in Great Britain to have become a party in the war ;—That it was Russia who had received the injury, and that independent of the considerations of the injustice and impolicy of the measure, it was known that the influence of Great Britain and France would be equally as effective in moderating the views of Russia, as any application of force could have proved, and that every thing was gained on the side of peace and humanity. His Grace in conclusion, remarked that so far from England fearing war, or having reason to avoid it, from any motives but those of conscience and integrity, there never was a period of our history, even at the most triumphant moment of the last great war, when this country and every other part of Europe were in arms, at which the military and naval means of England were so abundant, all the departments of the national force so efficient and complete, or all the public resources of men, and stores, and money if required, so inexhaustible. In truth, a country of such gigantic power may afford to be patient, from generosity and benevolence, but can never truckle from mere unworthy motives.

HOUSE OF COMMONS.—During the debate on the Address in answer to His Majesty's Speech at the opening of Parliament, Mr. O'Connell rose from one of the benches close to the opposition side, and after a few apologetical remarks, said that in addressing himself to the Speech from the throne, there was no terms which the language supplied that he considered too harsh for it. However, as coming from the sovereign he was bound to respect it—as connected with the Noble Duke at the head of his Majesty's Government, and with the Right Hon. Gentlemen opposite, he was disposed to treat it with courtesy ; but, when he considered the contents, he felt warranted in stating that any thing so little consistent with a wise government, or with the councils which ought to be given to a monarch ruling over a great and free people, he had never in his life seen, nor could any thing more preposterous be possibly conceived. If this speech were delivered in France, with its new institutions, did any man suppose that it would be for a moment tolerated there ? If it were delivered in America, did any man suppose that it would be endured ? Let the House only look at the powerful and able exposition of public affairs given by the President of the United States to a people who enjoyed the fullness of freedom, and compare it with the few meagre and jejune words which the Speech contained. [Hear, hear.] Let him then ask, if they all in that House were what they ought to be, the virtual Representatives of the people, whether they would tolerate such a production for an instant ? [Cheers.] What were the opening words of his Speech ? It stated that his Majesty received from foreign nations cordial assurances of peace and amity. Why, to be sure he did, for such representations were always made up to the very moment when war was declared. [Hear, hear, and laughter.] It then went on to inform the House, that the Russian war was at an end What an important discovery ! [A laugh.] They were told that nothing was determined respecting the relation of this country with Portugal. But why was nothing determined ? The Speech did not say why. Was it because there was any doubt as to the character of Don Miguel ? Did any man doubt his usurpation, or that he endeavoured to cement the structure of his usurped throne with blood ? [Hear, hear.] If, then, Don Miguel was such a character, and that not the slightest doubt existed as to the fact, why was he tolerated in Portugal ? They were told that the distress was only partial ; but was not that the case, or was not the contrary quite notorious to every body ? As to Ireland, he knew in that country of 7000 registered persons, who had but three half pence a day to drag on existence, and that pittance was now exhausted. It was satisfactory to hear that there was to be no change in the currency ; but to keep that pledge, the public expenditure must be reduced by many millions. The people of England were intelligent, industrious, and economical ;—yet they were distressed, and the cause was, the misgovernment under which they laboured. There should be a Reform in the Law—the Game Laws should be abolished—the state of the Representation should be made satisfactory to the people by a Radical and complete Reform, which the existing distress would induce them earnestly to demand. The people had sent him to Parliament to do their work, and he would do it.

Mr. BROUGHAM has resigned his seat in the House of Commons, having voted against the Patron of the Borough which he represented. It is stated, that this powerful Commoner will be returned forthwith for Knaresborough, in the room of the late Mr. Tierney—General King, one of the Grooms of the King's Bedchamber, has been dismissed, by his Majesty's command, for voting against ministers on the first night of the present session of Parliament.

The Globe says.—It is understood that negociations are going on between the Government of Great Britain, Spain, South America, and the United States, for the purpose of putting an end, for a certain period at least, the hostilities between Spain and the South American Republics.

An article from Warsaw states that the wishes of Russia are in favour of raising Prince Frederick of the Netherlands to the throne of Greece.

COMMUNICATIONS.

[FOR THE COURIER.]

MR. CHUBB,—

The Public are aware that the rejection of the Revenue Bill by the Council, compelled His Honor the President to adopt the most proper means for securing a Revenue to the Province, by proroguing the General Assembly for two days, in order that the House of Assembly, on the opening of the new Session, might pass another Bill for raising a revenue ; this desirable end having been accomplished, the Legislature was finally prorogued on the 13th March. Judging from the remarks made by several Editors of Newspapers, the true causes which led to the rejection of the first Revenue Bill appear not to have been understood in the Province, as we find that the Editor of the St. Andrews Herald, without stating any reason whatever, says, " *the House of Assembly were decidedly wrong.*" As I am ignorant of the views of this Editor, in making such an unqualified charge, I can only suppose that he wishes to convey to the Public, an idea that if HE had been a Member of the House at the time, from his well known *brilliant Legislative talents*, he would have enabled them *to be decidedly right*. The Editor of the Royal Gazette observes, " that all the objectionable clauses have been directly amended, or indirectly qualified."—He then mentions writs of assistance as the Law now stands, as requisite to enable the " Treasurer or his Deputies to enter a House," that " an appeal to the *Supreme Court* is in *all* cases expressly *reserved to a defendant*," and he further remarks, " the Jurisdiction of Justices of the Peace is much more limited, than by the bill as originally passed in the House of Assembly," and he goes on to say, " for those not *unimportant improvements*, the Province is indebted to the Council." Now, in reply to these courtly Editorials, I am prepared to assert, that they have been written under the influence of misinformation, or from motives less excusable.

It must be evident to any person who has read the rejected bill, and the one which passed into a law, that the real objections which certain members of the Council had to the first, have not been removed by the Bill which passed that branch of the Legislature on the 13th of March. So far from it, I have no doubt that the present bill, which now is one of the Laws of the Land, is quite as obnoxious to those of the Council who opposed the first, as that Bill was ; in the new bill the writs of assistance are inserted as stated by the Editor of the Gazette, which to those who will allow reason to govern their opinion, are only unnecessary and ridiculous lumber to the Law as it now stands.—Next the assertion made by this Editor, that " *the jurisdiction of Justices of the Peace is much more limited than by the Bill as originally passed in the House of Assembly*," is to me a most extraordinary one, and here the Editor has attempted to compliment the Council, at the expense of the House of Assembly, and in contempt of that regard for veracity, which was expected from him ; and to prove this, it is only necessary to say, that so far from a limit being made to the Jurisdiction of Justices of the Peace, as given to them by the original bill, I do now assert, without fear of contradiction, that by the original bill, which was rejected by the *Council, no jurisdiction whatever*, was given to *Justices of the Peace*,—they are not even *named* in any part of *that Bill*, and I do also assert, with as little fear of contradiction, that by the present Law, a very important, extensive, and very necessary *jurisdiction* is given to Justices of the Peace, who have now authority to recover all penalties incurred under the Revenue Laws, amounting in several cases to One Hundred Pounds, and further to proceed to the condemnation of all seizures of goods, under the value of £25, and of all vessels of Fifteen Tons and under, and all Carriages, Horses, Cattle, &c. under the same value, with this limitation only, that where offenders shall appear to make defence, (cases which in the nature of things will hardly ever occur,) then and in such case, the proceedings shall be removed to the Supreme Court, or the Inferior Court of Common Pleas. Then with regard to the appeal which is expressly reserved by the Law as it now stands, which the Editor of the Gazette views as one of the not unimportant improvements in the present law, and for which the Province is so much *indebted* to the Council. The Editor ought to have known before he attempted to decide upon the merits of the two bills, that an appeal lies in all cases from Inferior Courts, either by appeal, by writ of Error, by Certiorari, or by writ of False Judgment, and that this universal principle of English Law was to all intents and purposes as applicable to the rejected bill, as it is to the law as it now stands, in the 26th Section of which the right of appeal is expressly reserved to all who may consider themselves aggrieved by any decision under the provisions of it. The only remaining remark of the very learned Editor of the Royal Gazette which requires particular notice is, that the Province is indebted to the Council for the best Revenue Bill that ever received the sanction of the Legislature of the Province ; this is an observation every way worthy of the writer of it. But in this particular I am also completely at issue with the learned Editor ; the Province is not in the slightest degree indebted to the Council for the present Revenue Act, which would have met the same fate as the rejected bill, had not the good sense of the majority of that branch of the Legislature, prevailed over the councils of those members who were disposed to jeopardize the prosperity of the Province under the hollow and flimsy pretext of protecting the peoples rights.—Every one knows, for it cannot be concealed, how very powerfully the interests of the Supreme Courts and those who practice in them, are supported in the Council, and I am most decidedly of opinion that all the late difficulties arose from this circumstance.

In framing the rejected Revenue Bill, the House of Assembly having experience of the many imperfections of all former Revenue Laws, introduced such provisions, taken chiefly from the Customs, Excise, and Smuggling Acts of Great Britain and Ireland, as were applicable to this Province, the chief of which were those provisions which authorized a summary mode of proceeding against Goods seized as forfeited under the Revenue Bill, and for the recovery of penalties incurred under the same, thus giving an inducement to all Revenue officers to be vigilant in detecting the smuggler, and all evasions of the laws, as by the summary jurisdiction, the expences of proceeding against goods seized, would not be all swallowed up in law charges, as had heretofore been the case, when all proceedings were had in the Supreme Courts, and in consequence the Revenue officers making seizures, never received any thing for their trouble. In most cases under the old system, the costs of condemnation, exceeded the value of the articles seized, and it is suspected that the proceeds of large seizures were applied to pay the costs of such as were not of sufficient value to satisfy them, and in this way it is probable the proceeds of 55 puncheons of Rum seized a few years since, and which must have been worth at least £700, were all drawn into that insatiable vortex which had swallowed up the proceeds of all other seizures, as it does not appear that any part thereof was ever accounted for to the Province ; and in a very recent case of a seizure made by a Revenue officer, of the value of about 60s., the Att'y.-General proceeded against it in the Supreme Court, no defence was made, and the costs of condemnation, &c. &c. amounted to nearly £12.—To satisfy the public of the necessity of departing from this system, I may hereafter, perhaps, through the medium of your valuable paper give a copy of this bill of costs which I had an opportunity of procuring a copy of—when probably a discerning public may discover additional reasons to those given, why the Revenue Bill of the first Session of last winter was regected by the Council.

The objections made by the Council to the rejected bill were, as stated by those who were in the secrets of that branch of the Legislature (for their deliberations are not public) to the 3d the 20th and 21st Sections, by which the jurisdiction for condemning seizures, and for the recovery of penalties, was given to two Justices of the Common Pleas : This though highly beneficial to the Province, was at the same time, not quite so beneficial to the Courts of Superior Jurisdiction, and more particularly to those who, as before observed, were so powerfully represented in the Council. May it not have been to this cause alone that the bill was rejected ? I confess that I am much inclined to this opinion, and I shall probably be supported by the general opinion of the country. I cannot without something like disgust see the Council highly complimented by certain Editors, at the expence of the House of Assembly ;—so long however, as the world requires that Revenue Bills must be passed, there will not probably be any lack of Sycophants.

A clamour was attempted to be raised by those who approved of the measures of the Council, against the House of Assembly for a violation of the rights of the People, in framing and passing a Bill whereby the Treasurer and his Deputies were authorised, in the *day time*, with *one or* more peace officer, or officers, to enter into any house, &c. &c. to search for smuggled goods, and if resisted, to break open doors, and all this *without a writ of assistance*, and also for putting too much power into the hands of the Justices of the Common Pleas, by the 3d, the 20th, and 21st Sections. Now in making this Bill, the House had reference to such British Acts as were applicable to this subject, and to remove all doubts, if any remain in the minds of the public, as to the propriety of the summary jurisdictions introduced into the Bill, and which were so obnoxious to the Council, the following abstract of several British Acts are given, to shew, that in our Parent State, where the rights of the people are as well understood, and quite as well preserved and protected, as they are in this Colony, it has never been thought necessary to be over *tender* of the *rights* of the *Smuggler*, whose practices are in open violation of the Laws of God and Man, and deeply injurious to all honest dealers in the society of which he is a member. The smuggler defrauds the State of those dues, which are cheerfully rendered to it by every good and loyal subject, and for these reasons it is, that the laws against the violation of Revenue Acts, are made as severe and summary, as the cases will admit.—And now for the authorities referred to :—

[*Excise Laws.*]—By 12 Car. II. Cap. 23 § 31 and Cap. 24 § 45, all forfeitures and offences made and committed against this Act, if in London, shall be heard and determined by the Commissioners of Excise ; and in all other places, by two or more Justices of the Peace near to the place where such forfeitures shall be made, or offence committed. And the Justices of the Peace may give judgment, issue warrants for levying penalties or forfeitures upon goods and chattels of offenders, and for want of distress, shall imprison offender till satisfaction be made. And by the same Statutes they may mitigate the penalties.

By 15 Car. II. Cap 11 § 24, the Justices of the Peace, or any two of them, or the Chief Magistrate, in the several counties, cities, divisions and places within Great-Britain, shall meet once a month, or oftener if need be, to hear, determine, and adjudge all matters and offences against this, or the Acts of 12 Car. II.

By 6 Geo. I. Cap. 21 § 20, where Brandy, Arrack, Rum, Spirits or strong waters, British or Foreign, shall be seized as forfeited by virtue of this Act, or any other Act relating to the Customs or Excise, by any officer of the said Revenue, all such seizures shall in a summary way be proceeded upon, and determined in the manner after-mentioned, viz., if within the limits of the chief officer of Excise, in London, before the Commissioners of Excise, and if without those limits, before two Justices of the Peace, residing near the place where the seizure shall be made. § 22, every other forfeiture under the Excise Acts, shall be proceeded upon in like manner, as by § 20.

By 8 G. I. Cap. 18, § 16, all seizures of vessels and boats of 15 tons, and under, seized by virtue of any Act relating to the Customs, for carrying uncustomed or prohibited goods from ships inward, or debenture goods from ships outwards, &c. &c. shall be proceeded upon and determined by two Justices of the Peace residing near the place of seizure, in manner as directed by 6 G. I. Cap. 21, with respect to seizure of Brandy, &c.

By 6 G. I. Cap 21, § 21, 22, when any goods are seized and forfeited, and no person appear to claim them within 20 days, then it shall be lawful for the officer to cause proclamation to be made at the next market town to the place of seizure, on the next market day after the said 20 days expire, of the day and place where the Justices of the Peace will proceed to hear the matter of such seizure, and to the condemnation thereof, in which cases it shall be lawful for them to give judgment, &c. &c.

By 27 G. II. Cap. 20, § 1, distress made by warrant of Justices of Peace, shall be sold by their order in not less than four days, nor more than eight days, unless the penalty and costs are sooner paid.

By 47, Geo. III. Sess.2, Cap. 66, § 43, in all cases where any person shall be convicted of any offence against the Revenue Laws, before the Court of Quarter Sessions, or any Justice, or Justices of the Peace out of Sessions, and such Court, Justice or Justices, shall mitigate the penalty, they may take a recognizance in double the amount of conviction, to be forfeited in case of second offence.

By 49 G. III. Cap 65, § 1, two Justices of the Peace for any place where any offence shall arise, or where offender shall be found, to examine into, hear and determine all prosecutions for penalties incurred under this, or any Act now in force, or hereafter to be made, relating to the Revenue of Customs – They shall summon the party accused to appear, and upon his appearance or default, proceed, and upon due proof, &c. shall convict such offender in said penalty, and levy it by warrant of distress and sale, &c. &c, and for want thereof, commit the offender to prison six months, unless the penalty is sooner paid.———And they may proceed to condemn goods, &c. seized, in manner and form, as they may by the Excise Laws. § 3. In all proceedings before any Justice of the Peace, for any fine, penalty, or forfeiture, incurred under any Act now in force, or hereafter to be made relating to the revenue of Customs--the leaving a summons at the house or usual place of residence of the party, and directed to such party, by his right or assumed name, shall be (except when particular provisions are or shall be made for summoning offenders, or for condemning seizures made from persons unknown), deemed to be as good and sufficient a summons, and as legal and effectual a notice, as if personally served upon such party, and as if directed to him by his proper name.

By 56 G. III. Cap. 104, § 14, It shall be lawful for any two or more Justices of the Peace, for any County, City, Riding, division, or Liberty, to examine into, hear and determine all prosecutions for the condemnation of any seizure made by virtue of any Act relating to the Revenue of Customs ; and the said Justices, upon information exhibited before them for the condemnation of any such seizure, shall proceed thereon in the same manner, and with the like powers as are given to them by any Law of Excise.

By 4 G. IV. cap. 94, Sec. 109. Any Excise Officer may, if no person appear to give him admittance, with his assistants in the day time, and in the night time with a peace officer, who is required to be aiding and assisting, may break open any door, &c. &c. if he has cause to suspect articles enumerated to be concealed therein, and if none are found, such officer shall repair the damage he has caused to such premises, or pay a reasonable satisfaction therefor.

[*An Act to prevent Smuggling.*]—By 6 G.IV. Cap. 106, Sec. 79. That in all cases of information exhibited before any two or more Justices of the Peace, or any Governor, or Deputy Governor, or Deemster, as aforesaid, for the forfeiture of any goods whatsoever, seized under any Act or Acts, relating to the Revenue of Customs, or for the prevention of Smuggling, and when the party to whom such goods belonged, or from whom they were seized, is known, it shall be lawful for the said Justices, or Governor, Deputy Governor, or Deemster ; and he or they is, and are hereby authorised and required to summon the said party, and upon his, her, or their default, to proceed to the examination of the matter of fact, and upon due proof that the said goods are liable to forfeiture under this, or any other Act relating to the Revenue of the Customs, to condemn the said goods ; and in case the party from whom the said goods have been seized is not known, it shall and may be lawful for the said Justices, or Governor, Deputy Governor, or Deemster, and he or they is, and are hereby required to cause public notice to be stuck up in the Royal Exchange, if the seizure is made in London, at the Market Cross if made in Edinburgh, and at the Royal Exchange if in Dublin, and if the seizure is made at any other place, then a notice shall be publicly read by the public crier at the next market place, stating that the goods have been seized, and that the hearing relative to the same, will take place on a certain day, not being less than eight days from the date of the said notice ; and in default of any person's attendance in consequence of the said notice, the said Justice, or Governor, Deputy Governor, or Deemster, are to proceed to the hearing and condemnation of the said goods as aforesaid.

By section 73 of the same Act,—That all penalties and forfeitures incurred, and imposed by this or any other Act relating to the revenue of Customs, shall and may be sued for, prosecuted, and recovered by action of debt, bill, plaint, or information, in any of His Majesty's Courts of Record at Westminster, or in the Courts of Exchequer in Scotland or in Dublin, or in the Royal Courts of the Islands Guernsey, Jersey, Aldernay, Sark, or Man, in the name of His Majesty's Attorney General, or in the name or names of some officer, or officers of His Majesty's Customs, *or by information before any two* or *more* of *His Majesty's Justices of the Peace, in the United Kingdom*, or before any Governor, Deputy Governor, or Deemster, in the Isle of Man : Provided always, that all the power vested in any Justices of the Peace by virtue of this Act shall be and the same are hereby vested in the Commissioners or Assistant Commissioners of His Majesty's Customs in and for Ireland, or any two of them, and the Sub-commissioners lawfully appointed in Ireland, to hear and determine complaints and informations for the recovery of any fine, penalty, or forfeiture imposed by this, or any other Act relating to the Revenue of Customs. Note—by this Act, there are 22 cases of forfeitures, and 21 cases of penalties varying in amount from £500 down to £5.

* 46 G. III. Cap. 106. And be it further enacted, That in case any person or persons shall refuse to permit, or shall not suffer any surveyor, searcher, waiter, or other officer appointed by, or acting under the said Commissioners of Customs and Port duties, or the Commissioners of Inland Excise and Taxes, or either of them, to enter and remain in his or their house, cellar, vault, shop, warehouse, storehouse, or storecellar, or other places, to search for any goods, wares, or merchandize, for which the duties payable thereupon to His Majesty, have not been fully paid or satisfied, and which goods, wares, and merchandise such officer *shall have reasonable cause to suspect to be concealed* or *deposited there*, in every such case it shall be lawful to and for such officer or officers after such refusal, to *break open and enter in the* day time, in the presence of a Constable, into any house, cellar, vault, shop, warehouse, storehouse, or storecellar, or other place or places belonging to such person, and to search for such goods, wares, and merchandize, and in case such goods, wares, and merchandize shall be found, to seize, attach, carry away, and put the same into safe custody.

* This Act is applicable to Ireland.

57 G. III. Cap. 87 §7. In cases where goods, boats, carriages, horses, or cattle, shall be seized as forfeited under any law of Customs or Excise, and no person shall appear to the officer who made the seizure to claim the same. If such seizure shall be made out of the limits of the chief officer of Excise in London, it shall be lawful for the officer who made the seizure, to cause public notice to be given by proclamation at the next market town to the place of seizure, upon next market day after the expiration of six days from the time of seizure, of the day and place, when and where the Justices of the Peace will proceed to hear the matter of seizure, and of condemnation of the goods seized, in which case it shall be lawful for the Justice to examine into the cause of seizure, and to give judgment for the condemnation of such goods, and of the casks and packages containing the same, and of the boats, carts, carriages, horses, or cattle, seized or shall appear to be forfeited, which judgment shall be as good and effectual, as if the owner thereof, or person in whose custody the same were at the time of seizure, had been summoned to attend the said Justices.

And in addition to these precedents from the British Acts, it is a rule running through the whole of them, that in trials for condemning any kind of property seized as forfeited, the proof shall lie upon the persons claiming such property.

Thus we see that in the provisions of the Revenue Bill, rejected by the Council, nothing was introduced of a novel or extraordinary nature, and no provision which the experience of more than 150 years in Great Britain and Ireland had not proved to be highly necessary, and expedient.—It appears however that the British Acts give greater powers to inferior officers of the Customs and Excise, than were given in the rejected Bill, to the Treasurer of the Province and his Deputies. Then with regard to writs of assistance, the want of which was so much reprobated in the rejected bill as an outrage upon the rights of the subject ; *to break open doors without a writ of assistance, was held to be a monstrous procedure*. A writ of assistance consists of a few legal words, written upon a little piece of parchment by the Clerk of the Crown, requiring peace officers to be aiding and assisting Revenue officers, when they may find it necessary to break into houses, &c. &c. and this little document is endorsed on the back with what is called the *fiat* of *the* Judge, thus, " *Let this issue J. S.* or *W. B.* or *J. M. B.*" as the case happens to be. Now what magic is there in this little piece of parchment, by which the rights of the subject are better guarded, than they would be, by at once authorizing the Treasurer of the Province, or any Deputy, or even any Revenue Officer, by a solemn Act of the Legislature, to take peace officers with them to execute any necessary duties for the prevention of smuggling, and the due enforcement of the Revenue Laws ? Is the fiat of a Judge to be of greater force and effect than a Law of the Land ? or is it necessary to go round about, and occupy greater time in procuring writs of assistance, by which the offenders may have time to escape, to do what the Law may much better authorise to be directly done ? If these writs were to be procured in every new case, the Laws for preventing smuggling would in a great measure be nugatory, and if they are general writs, to be in force during the life of His Majesty, and for six months after the demise of the Crown, as has been the practice, then in the name of common sense, how are the rights of the people so much better guarded by them, than by a Law of the Land dispensing with them ? General Writs, or Warrants, are long since declared to be illegal, as giving too much power to particular persons, and are supposed to be an infringement of the rights of the subject—they are in fact, as applicable to Revenue Bills, mere legal mummery, and are always a clog or incumbrance to them, and they may be considered in Law, what Priestcraft is in Religion, calculated only, to blind and delude the ignorant—in the one case, the wheels of Justice are clogged, and in the other the progress of Truth retarded.

It may be said, and with some force, that the rejected Bill gave powers to Justices of the Common Pleas, a number of whom were Members of the House of Assembly, and that they were assisting to make Laws, which they were afterwards to carry into effect,—a circumstance which was of the most unconstitutional tendency. This may be true in principle, but as the fees to such Justices are merely nominal, and as they receive no Salaries, and as all their proceedings are subject to revision by the Judges of the Supreme Court, these objections seem at once to vanish, or are of little weight ; but, they are objections by no means to be overlooked as applicable to the Council, where the Judges of the Supreme Court, holding as they do in their own persons, the whole judicial power of the Country, often with the Officers of that Court, compose a numerical majority of the Legislative Council, thus having an overpowering influence in making all Laws, of which they are in the Courts of Law to be the Judges. I may perhaps in another communication say something farther upon the present Constitution of the Legislative Council, and shall now only observe, that the Revenue Bill, which finally passed into a Law at the last Session, is quite as obnoxious to the legal Members of the Council, as the rejected Bill was, as the whole jurisdiction is not in it, confined to the Supreme Court, but happily for the Province, the good sense of other Members of that Branch of the Legislature, prevailed over the views of legal Gentlemen, and a Bill was passed into a Law, which in its operation, will no doubt be found to be the most efficient that has ever appeared in our Statute Book. I should not have intruded any remarks upon the present occasion, had not it been that several sycophantic attempts had been made to throw blame most unjustly upon the useful labours of the House of Assembly, who were during the whole of the two late Sessions, unwearied in their endeavours to promote the true interests of the Province. A. B.

St. John, April 1, 1830.

CITY ELECTION.

[FOR THE COURIER.]

" In the multitude of Counsellors there is safety."

So says the wise man, Mr. PRINTER !—and the lapse of ages has confirmed the truth of this proverb. Let me now come to the subject in hand : we are all well aware, that the day for the Annual Election of Charter Officers is near at hand—so near, that before another number is issued from your Press, the *dye will be cast*, and we shall have for our Civil Rulers—if we are not very judicious in our selections—individuals, who are not only ignorant of the duties, but quite deficient in those qualifications, which are absolutely necessary to constitute a useful member of the Body Corporate.

It has always been a matter of great surprise to me, to witness the indifference and apathy displayed by those who *intend* to come forward for, or have been long aspiring to, this honorable, and sometimes lucrative, situation, previous to the day of Election. Certain it is, there are men—aye—and honorable men too, in this Community, who have long wished--but wished in vain—to have a 'voice' in the management of our public affairs, and no doubt would, if once elected, perform their duties, faithfully and independently. Why then do they keep on the back gronnd ? The cause of this backwardness appears to be a want of confidence in their own abilities—modesty and self-diffidence operating so powerfully on their minds, as to make them stand aloof, preferring, rather than sounding their own praise, to be proposed in the Public Prints, or nominated on the Election day, by their fellow-citizen, who are generally the most competent judges, with respect to the requisite qualifications of the Candidates. And without invalidating in the least degree, the character, or questioning the capability, of those proposed in yesterday's Colonist, by " A FREEMAN," I shall only make my choice, and with your permission, Mr. Chubb, lay it before the Public—being no less anxious than that writer, to keep up the " respectability" of our City Magistrates. I do therefore propose with confidence, as Candidates for King's and Queen's Wards—being fully confident of their possessing all the requisite qualifications—the following Gentlemen :—Mr. Robert Ray, late of the African Corps ; Mr. T. L. Nicholson ; Mr. Jas. Bustin ; Mr. Charles Davies ; Mr. Robert Welch ; Mr. George Lockhart, Mr. William Scammell ; and Mr. Thomas Leavitt ;—and I pledge myself, individually and collectively, to use my best endeavors to insure the Election of one or more.

I am, Sir, your obedient Servant,

A VOTER.

P. S.—I have on hand a good assortment of " Old Speeches," prepared expressly for the occasion—and of such simple composition, as to be easily committed to, and retained in the memory. They are just constructed to suit the palates of the " Free and Independent Electors" of Saint John, containing in great abundance, good words and *fair promises*. In order to effect my object, I intend to convey forthwith to each of the above Gentleman privately, a Copy, so that no excuse may be offered by them, when the hour for opening the Poll shall have arrived. I hope they will not betray my confidence, by letting the Public into the secret, who have no concern with this private matter. My services I would also freely offer to all such Candidates as may be deficient in mental qualifications. All Letters on the subject must come post-paid, and the strictest secrecy will be observed.

April 3, 1830.

MR. EDITOR,—Judging from communications that have appeared since the canvassing has commenced for Charter Officers, I am led to think, that, on this subject, at least,

" Those who cannot write, and those who can,
May scratch and scrawl, and scribble to a man."

And as I do not profess to be a *learnt* man, although by no means a young one, I presume you will indulge me with a corner, for a *homely* line or two. King's Ward it appears has " *come out*," and in addition to those who have put themselves " *up*," three or four other gentlemen of equal talents and abilities have been nominated as fit and proper persons to fill the office of an " Alderman." But, Sir, are we of Queen's Ward to be *backward* in coming *forward* ? Certainly not ; perhaps you will say we have already candidates enough to make choice from ; now this observation, coming from you would appear interested in the extreme, and would look as though *you* were desirous of participating in " *floating contracts*," and, perhaps of ousting Mr. M'Leod, from that lucrative office—Corporation Printer ! But a truce to all this. In yesterday's paper, a writer, (who would still be *reading*), under the signature of " *A Freeman*," has put in nomination ' for King's and Queen's Wards, Mr. George Bragg, Mr. James Condle, Mr. Wm. M'Cannon, Mr. Wm. Reynolds, Mr. Wm. Durant, and Mr. H. Chubb.'

What a dilemma does this writer "involve" us in !—Certain I am, it would puzzle many equally intelligent Freemen as himself to tell for which Ward, the four latter gentlemen are designed, but as the two first named, are, by their own act, candidates for King's Ward, we are to presume that the four latter are intended for Queen's, and as the Freeman *beautifully* expresses it, would, no doubt, " able fill" the respective offices to which they may be appointed.

Does the writer imagine that his Queen's Candidates are fit to *set at table* with those of King's ?—by no means. Let us have, I say, in our Corporation, men about whom there is *no mistake*, and then our City affairs will go on *swimmingly* ; and for that purpose I would nominate for the important trust of Aldermen for Queen's Ward, Robert Ray, Esq. Mr. R. Welch, Mr. Thomas G. Hatheway, (the author of the " Flea," and the " History of my Father,") and as Mr. Hooper appears to be well acquainted with *Magna Charter*, I would suggest that he be offered as Assistant for the same Ward.

To the Polls, then, Freemen !—for notwithstanding that " dreadful hard times" is the cry, let it not be said that you sold your birthright for a mess of pottage.—" Call again to-morrow !" will be too late—To the Polls on Tuesday next, and " the day is ours." BONIFACE.

MR. CHUBB.—Seeing a number of names inserted in the *British Colonist*, of persons offered as Aldermen, for this much respected City, more particularly for King's Ward, and wishing to comply with the request of the writer signing himself *A Freeman*—I beg to propose Captain Benjamin Stanton, as a Candidate for Alderman for King's Ward. This gentleman it is well known, " toiled hard to remove the stumps," and has maintained great respectability up to the present time, and, in my opinion, should not be supplanted by an intruder from any other Ward.

I would also propose Mr. L. Lockhart for Assistant—he has before served the public faithfully in that capacity, with much credit to himself, and those who are acquainted with his zealous endeavours for the general good, best know how to appreciate his worth. *A Friend to the Community.*

MR. CHUBB,—

SIR.—The announcement of the intended resignation of the present highly respected Alderman for Duke's Ward, who has been very aptly styled *the Father of the Common Council*—will, I have no doubt, be read by all, with feelings of the most profound regret. That Gentleman, whose head is now " silver'd o'er," has frequently expressed a wish to retire from public life, whenever another fit person could be found, into whose hands he might fearlessly commit the important trust which his fellow citizens have so long reposed in him :—In Mr. I. L. Bedell, therefore, the requisite qualifications are to be found—" a scion of the old stock" who endured all the hardships attending the first settlement of the Country—he can be depended upon as one to whom the chief representation of this very respectable Ward may be intrusted.—And, with Mr. H. Smith, as Assistant, the credit of the City will still be maintained by

DUKE'S WARD.

MR. EDITOR,—

YOU, in the upper part of the City, seem desirous of having all the fun to yourselves ; but, Sir, I can assure you that this will not be the case.—We, of Sidney Ward, are equally interested in the distribution of the " *loaves and fishes* ;" and although since the *Light-House Ball*, not a murmur of complaint has been heard against the present incumbents—yet man is fond of change, and as reform seems to be the order of the day, I would propose Mr. B. Coxetter as a candidate for Alderman, and Mr. J. Cunningham, as Assistant. That the Magisterial chair would be well filled by the former Gentleman, no one, I am sure, will deny—and the latter would no doubt be able to convince the Body Corporate that *there is nothing like leather*—to which a hearty response will be heard from many A VOICE IN THE LOWER COVE.

MR. EDITOR.—Should you have a spare corner, you will please make known that on this side of the water we are, like fresh fish, " *all alive*" to the important events of Tuesday next. " Good men and true," is our motto, which will be amply verified by those whom we intend shall represent us.—*Bonds*-men shall be free ! and the branches of the *Olive*-tree will overshadow us ! Q.

Carleton, April 3.