

L. H. J.
Liber No. 49
Dec. 16

Whence that Address infers,

“ For which those Officers ought to be answerable.”

And thus I shall leave it to the Consideration of your House, to be made out in the best Manner you are able, so as to support that Conclusion; or their unjust Representations, and your unreasonable Complaints, must fall to the Ground: And shall now proceed to lay before you such Reasons as have greatly contributed towards fixing my Opinion, That neither are your Complaints Reasonable, nor their Representations Just.

As the taking Impost-Bonds, instead of obliging the Trader to pay the Duties down upon Importation, is immediately an Ease and Encouragement to Trade, it may reasonably be presumed, that they have been in Use in this Province from the first Commencement of Entering and Clearing Vessels amongst us; and indeed I am very credibly informed, that as far as any Discoveries can be made upon this Head, by looking back into former Times, it appears, that this Indulgence has been constantly and universally given to Trade in this Province: That these Bonds were in Use amongst us so early as in the Year 1715, appears from an Act of Assembly passed, whereby the Attorney-General is prohibited from suing any Bond taken for Country Duties, unless under Circumstances there specified; which Description exactly corresponds with the Impost-Bonds taken at this Day; and another Act passed in the Year 1717, gives a Fee for an Impost-Bond 5s. By those Acts of Assembly, the Legislature seems to have considered these Bonds, not as a private Security taken by the Naval-Officers upon his Indulgence, at his own Risque, given to Trade, but as a Security to the Public for the Country Duties, and taken payable to the Head of the Government; or the Attorney-General as such, would have had nothing to do with them, nor would
p. 223 the Legislature have given the Officer a Fee for taking them: And as even the first of these Acts is so far from introducing into Practice, that it plainly supposes them to have been then in Use, or it never would have provided against an Abuse in suing them; I think it may be reasonably inferred, that they have been constantly and universally taken from the earliest down to the present Times, in all Cases without Exception, unless such Exception can be shewn: And as these Acts of Assembly have undoubtedly given them a legal Establishment, if they had none before, I presume a Right became then not only vested in the Naval-Officer to take them as a Security to the Public for the Country Duties, but likewise a Right of Exemption in the Trader, who had Duties to pay, from paying them down at the Time of Entry; and from hence, I presume, it is very far from appearing, “ That Impost-Bonds ought not to be taken,” as being “ an Indulgence unknown to the Law.”

But, “ The Duty on such Servants is required to be paid at the Time of Entry:” This is a Discovery which I very freely confess, I