

permitting the Importer to Land his Goods on giving Bond for the Payment of the Duties, is an Ease and Encouragement to Trade, we readily allow, but surely the Legislature are the proper Judges when such Indulgence is necessary, or convenient; and where they have not directed it, in the Act imposing any Duties, neither the Officer can have Authority to take Bonds, as a Security to the Public for the Duties, or the Trader who has Duties to pay, a Right to claim an Exemption from paying them down at the Time of Entry; and we apprehend the Inference drawn by your Excellency from the two Acts of 1715 and 1717, the one prohibiting the Attorney-General from putting Bonds for Country Duties in Suit, unless under Circumstances there specified, and the other giving a Fee for an Impost Bond, that Impost Bonds have been constantly and universally taken from the earliest down to the present Times, in all Cases, without Exception, is too extensive, and it is not incumbent upon us to shew a case in which they have not been taken; 'tis sufficient to destroy the Inference: That we shew there were other Laws of this Province at the Time of making those Laws, which directed or impowered the Officers to take Impost Bonds for Duties, we shall mention two of them, One an Act confirming to the Governor of this Province the Duty of Three Pence  $\gamma$  Ton upon the Burthen of Ships and Vessels made in 1704, prior to both the Acts your Excellency mentions; the other an Act laying an Imposition on Negroes, and on several Sorts of Liquors imported, &c. made in the Year 1715, prior to the Act giving a Fee on Impost Bonds. From hence then arose the Necessity of Restricting the Attorney-General in putting this Kind of Bonds in Suit, and of Limiting the Naval Officer's Fee for taking them by the Acts you mention; for as the Law above-mentioned, made in 1704, directed or allowed them to be taken, we presume it was found Necessary to restrain the Officers, (ever fond of encreasing Fees), within due Bonds: And we think it may be fairly inferred, that if Impost Bonds had been constantly and universally taken, from the earliest down to the present Times, in all Cases, without Exception, it would have been necessary to have laid those Restrictions much earlier; indeed had that been the Case, it would have been altogether unnecessary by any particular Law to have given a Power to the Naval Officer in any Case to have taken such Bonds, since, according to your Excellency's Argument, the constant and universal Custom, must have sufficiently established such a Power. But your Excellency will probably find, upon better Information, that this constant and universal Indulgence given to Trade has been no more than an Indulgence given by the Officer at his own Risque, with a View to draw Traders to his Office, and thereby increased his own Fees and Perquisites; so that we must still insist, that Impost Bonds ought not to have been taken for the Duties imposed by the Act of 1754, as being an Indulgence unknown to the Law, that Law we mean, as it is plain the late Lower House

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