

Ordered, that Mr. Campbell return the Bill with the amendments to the Council, and acquaint them therewith.

On motion of Mr. Campbell.—Resolved, that this House having taken into consideration the prayer of the Petition of John Rodger, of St. Andrews, alledging the hardships the trade was exposed to at that Port, by the construction put upon the Act of Parliament by the Collector and Comptroller, in levying a duty of 10*d.* per Gallon on Gin and Brandy, in addition to the 1*s.* Sterling mentioned in that Act, are of opinion, that no measure of that kind was contemplated by the said Act, and that the mode adopted at the other ports of this Province by the Collectors and their Deputies, in exacting the duty of 1*s.* Sterling only, at the Custom-House, on the said articles is correct.

A Message from His Excellency the Lieutenant-Governor, Mr. Secretary Odell delivered the following Message :—

“NEW-BRUNSWICK.

“MESSAGE to the HOUSE OF ASSEMBLY,

“27th January, 1829.

HOWARD DOUGLAS.

“The Lieutenant-Governor acquaints the House of Assembly, that he has been directed by His Majesty’s Government to make the following communication to the Assembly on the subject of the Salaries to the Officers of His Majesty’s Customs.

“His Majesty’s Government have had under their consideration the Address of the House of Assembly of New-Brunswick, and also the representations which have been made from the other North American and the West India Colonies, with respect to the mode of paying such Salaries.

“The main object of His Majesty’s Government in the abolition of Fees upon shipping, from which the Officers of the Customs had, for a long course of years derived their emolument, being Colonial relief, it must be considered unfortunate that this abolition should have taken place, before some satisfactory arrangement had been made with the Colonies for permanently providing for the Salaries of those Officers.

“Although it might have been better to have made the abolition contingent upon the maintenance of that exclusive dependance of the Officers abroad on the department at home, which has always hitherto been maintained, and which appears essential to the satisfactory discharge of their duties, both as regards the Mother Country and the Colony in which they may be stationed, His Majesty’s Government cannot believe that the circumstance of the relief having been given in the first instance by the immediate abolition of the Fees, can operate upon the Colonial Legislature, to the disadvantage of the Officers themselves, or can be considered a ground for throwing a further burthen on the Mother Country, or for invading the just and acknowledged right of the Crown, to appoint the Officers of the Customs, and to assign to them a reasonable and proper remuneration.

“On the contrary, His Majesty’s Government have the fullest confidence, that when the Colonial Legislature shall have had under their consideration the actual circumstances of the case, and the real nature of the authority given to the Officers to pay their Salaries, out of the gross Revenue which may come into their hands, they will not be disposed to resist an arrangement, which cannot but be for their own advantage.

“It appears to His Majesty’s Government to be without a doubt, that under the Statute 18th Geo. 3, c. 12, the power to deduct, (from the Revenue levied under the Acts of Parliament and paid over to the Receiver-General of the Colony,) the expense of collection is expressly reserved to the Crown.

“The Section directs “the nett produce to be applied to the use of the Colony,” and although the 6th Geo. 4, c. 14, directs that the produce of the duties raised under that Act should be paid over for the use of the Colony, yet the 10th Section of the same Act expressly declares, that nothing in that Act shall extend to alter the provisions of the 18th Geo. 3, c. 12, which authorized the previous deduction of the expense of collection. The opinion of the Law Officers of the Crown is express, that the Salaries of the Officers, in the case of the duties raised under 6th Geo. 4, c. 114, as in that, of those received under former Acts, are legally payable out of the gross produce,