

Ordinary Services towards the support of the Custom House Establishments in the Province the sum of £4,250 Sterling, out of the monies arising from the duties which might be collected in that Province within the year for which such annual appropriation should be made, the same to be applied by the Lieutenant Governor or Commander in Chief for the time being, and paid quarterly by Warrants of His Excellency, by and with the advice and consent of His Majesty's Council in the Province, in twenty days after the payment over and account exhibited of such duties by the principal Officers of Customs; upon which we have to observe, that the proposed enactments appear to be entirely opposed to the principles which governed your Lordships in acceding to the proposition which had been made by the House of Assembly at New Brunswick, in as much as your Lordships in acceding thereto intended that the grant of £4,250 should be the first charge upon the duties collected by the Officers of this Revenue in the Province, and be retained therefrom in quarterly proportions of £1,062 10s. for the purpose of being applied towards defraying the expenses of the Customs Department of the Province, whereas by the Act above referred to, the total amount of duties collected is required to be paid over in the first instance to the Receiver General of the Colony, and no part of the grant of £4,250 can be issued from the Colonial Treasury until twenty days after the Collector and Controller shall in each quarter have paid over and accounted for the total amount of duties received by them within that period, and then only under the Warrant of the Governor with the consent of His Majesty's Council in the Province.

We beg leave further to state, that in the event of the annexed Bill being passed into a Law, the greatest inconvenience would arise to the public service, in as much as the Collector of St. John, would be under the necessity of sending his Accounts to the Colonial Secretary who resides at Fredericton, which place is ninety miles distant from St. John, before he could obtain the Governor's Warrant of payment upon the Colonial Treasurer resident at St. John, and the Collector of St. Andrews would in like manner, and for the same purpose, be required to send his Accounts to Fredericton, from which place St. Andrews is one hundred and fifty miles distant, and having obtained the Governor's Warrant for payment, it would be necessary for him to proceed to St. John a distance of sixty miles, before he could obtain payment of the amount from the Colonial Treasurer, who as before stated resides at that place. Under the foregoing circumstances, we beg leave to offer our entire concurrence in the opinion expressed by Mr. Secretary Stanley, that should the Act be confirmed, the Officers of the Customs in the Province of New Brunswick would still be dependent upon the annual votes of the House of Assembly, no specific fund under the direct control of His Majesty's Government having been appropriated to the payment of the Officers' Salaries; and as the annual grant of £4,250 cannot in our opinion be considered as a permanent provision within the meaning of your Lordships' minute transmitted to us in Mr. Stewart's letter of 4th January 1832, for defraying the expense of Custom Establishment of New Brunswick, we cannot recommend that His Majesty's assent should be given to the Bill in question.

(Signed)

R. B. DEAN,
LUSHINGTON,
E. STEWART,
BINNING.

Custom House, 7th February, 1834.

No. 3.