

that the Collector referred to, knew that the vessel in question was a foreign bottom, and owned by a foreigner, as mentioned, although had such been the fact, it would not have altered the question as respected the liability of the vessel to condemnation, it might have subjected that officer to the responsibility of indemnifying the parties for the injury they had sustained through his misconduct, nothing more.

Letter from C A
Hagerman, Esq, &c

It is obvious that the Governor could not comply with the prayer of this petition.—*First*, Because his doing so would be in violation of his oath, and the duty expressly enjoined upon him, by the statute above referred to; and *secondly*, because it would be an interference with the rights and emoluments of a public officer over which he had no controul, to which he was by law entitled, for the performance of a responsible, disagreeable and hazardous duty, and which he had executed in obedience to instructions from His Government, in a manner leaving no room for censure or complaint.—Accordingly upon a reference to the Executive Council, it was declared by that body that, "they would not presume to recommend any order to the Collector of Kingston for the actual release of the vessel and cargo" but "satisfied that an irregular practice had prevailed of transporting even public stores from one port to another in the Province under sanction of the government and its officers." It was recommended that the vessel and cargo should be delivered up to the respective owners, upon security being given to the amount of the value of each to answer the event of an information, and that in case of difficulty to the *Foreign Master* to give such security, *that it should be provided by the Government, with the assurance that in the event of legal conviction the proportion of the seizure to which the Crown and the person administering the government would be entitled, would not be exacted, leaving only, therefore, the share to which the collector had a claim to be exacted.* This report of the Council *was never communicated to me* (conclusive as it appears to me to be in favour of my claim) and it is only within the last week while collecting facts for this statement that I for the first time saw it. A letter however was addressed me by the private secretary of the president then administering the government, in which I was briefly directed to give up the vessel and cargo to the respective owners upon their entering into their *personal security* to answer the result of the informa-