

in the knowledge of the Members of the Committee, of any suit having been commenced by a Seaman except *in formā pauperis*.

3°. The Committee have no disposition to question the statement of the Learned Judge as to the abuse of their power by the ship-masters, in the two cases which he cites; nor can it be a matter of wonder, that out of 700 ship-masters who annually frequent this Port, two should have been guilty of misconduct, and it is equally remote from the wish of this Committee, as they are persuaded it is from that of the Mercantile Community, to protect any one who should behave with so much impropriety. But the Committee do not perceive the relevancy of the statements, not even as to the existence of a Court of Vice Admiralty, inasmuch as the parties aggrieved had their recourse as others, at Common Law.

4°. The Committee, as already stated, do not impugn the principal of exacting half Fees, even in the event of the dismissal of the Seaman's action, but on the observation that the Ship Owners have less reason to complain than other Defendants in the same predicament, request permission to remarks that it is a matter of rare occurrence that the poor Seamen has wages in the Owner's hands, and that the latter consequently have it not in their power to apply them in payment of fees and disbursements; and the Committee unhesitatingly add, as their solemn conviction, that a knowledge on the part of the Seaman whose suit may have been dismissed, that the wages which he should earn on the voyage home, would be applied, operates with him as a powerful reason to abandon his ship, *and that he almost invariably does so*.

5°. It is a matter of much satisfaction to the Committee, that the Learned Judge should have adverted so fully to the case of the Brig Hope, inasmuch as it affords them an opportunity of mentioning what does not appear by his statement. The Learned Judge says, that, "it appeared in evidence that neither the Master nor the Consignee had any survey on the Hull of the vessel before she was loaded, in order to quiet the fears of the Seamen, and that she was then actually not in a seaworthy state." The Committee may remark that so far from being customary, it rarely happens that a survey is held on a vessel in this Port to establish her seaworthiness. In the present instance there was, however, an exception from the usual custom, the Consignee of the vessel having taken the precaution to have her surveyed on the 1st of November, *that is before she was loaded*, the original report of which survey is, as the Committee are informed, filed in the Registry of the Court of Vice Admiralty; according to that Report, the Surveyors say, "We are most decidedly of opinion that the Brig Hope is in every way seaworthy, and we should have no hesitation in proceeding to Sea with said Brig." The vessel was afterwards surveyed by order, as the Committee believe, of the Court. The Surveyors last mentioned have stated to the Committee, that to the best of their recollection, they found the vessel seaworthy, provided with Sails and other necessities fit to enable her to perform the intended voyage. That though they considered the vessel in her then state, fit for the voyage, they recommended to the Master to get a spare Topsail and two coils of Rope, to replace what had been unavoidably worn and lost in loading. The Committee have no personal nor other knowledge of these circumstances, than what they derive from the Surveyors and Consignee; but if their recollection of the matter be correct, it would appear that the vessel neither when the complaint was made by the men, nor subsequently, was unseaworthy. It is to be observed that although the want of a Sail, and other articles, might render a vessel at sea, unseaworthy, yet the want of Sail, indispensable at sea, cannot render unseaworthy, a vessel lying in a Port loading, and let it be remarked, the complaint of the men was made fifteen days before the vessel sailed, so that it could not be within their knowledge to say, that the wants of the vessel would not be supplied by the Master or Consignee before sailing. On the