

that of a seaman on board the Ship *Superb*, who was assaulted by the Captain and had his arm broken; this poor man going ashore to obtain assistance, was arrested on the complaint of the Master, of desertion, and was lodged in the Common Gaol. The other was that of a seaman advanced in life, who having incurred the displeasure of his Captain, was sportfully tied to the main stay and gagged with a pump bolt. These cases of assault, together with complaints for refusing food, supplying unwholesome victua's, degrading mates from their station, and placing them before the Mast, discharging seamen and not paying them their wages, and like matters are the subject of pauper suits. It is quite true that the Judge in the exercise of a just discretion is often deceived, but it is not without every precaution to prevent deception, such as exacting the oath of the party in support of the facts alleged, and the Certificate of a Proctor, that he believes the Petitioner has a just cause of action; nor are above one half admitted who apply for this privilege.

4thly. In respect to exacting half fees from the owners, though the suit should be dismissed, (of which the Committee so loudly complain,) this is a practice which prevails in all the Courts of the Province, from the Court of Appeals downwards, and the undersigned believes in all British Courts. The principle is, that although the pauper be admitted to sue *gratis*, the Officers of the Court are not obliged to give their services *gratis* to his adversary, and of course he must pay whenever, during the course of the cause the Officers service is required by him. But even the Ship Owners have less reason to complain than other Defendants in the same predicament, for the poor seaman having wages in the owners hands, the owners have it in their power to apply them to pay their fees and disbursements, and if the seaman, as is generally the case, are compelled to proceed on the Voyage, this gives them additional security for reimbursement out of the accruing wages.

5thly. It is no subject of regret to the undersigned that the Committee should refer to the case of the *Hope*, as furnishing proof of abuse in the Administration of Justice in the Court. This was a suit brought by five seamen, for they all joined, in which they prayed that they might be discharged from the service of the Ship and their wages decreed to them, on the ground that the Vessel was not sea-worthy, and that their lives would be imminently endangered if they were at that late season, (the beginning of November,) compelled to proceed on the Voyage. 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 sea-worthy state. However on her being furnished with spare sails and other indispensable materials, so as to make her safe to proceed to sea, the suit was dismissed, and in as much as at its commencement they had a just cause of action, the cost were decreed against the owners. These costs were taxed according to the Tariff at £34 0 6, currency, which sum only the owners were *compelled* to pay, and not £46 17 2, as the Committee uncandidly state, the additional £12 6 8 were voluntarily paid by the owners of the *Hope* to their Proctor for making an untenable defence.

6thly. The Committee are pleased to say, *that the fees exacted by the Judge and Officers of the Court, and the fees allowed to the Practitioners are excessive, and bear no relative proportion to the costs and fees allowed in the Court of King's Bench*; and on this head the undersigned cannot but observe, that the jurisdiction of the Court of Vice Admiralty extends over matters of great value, as well as of small pecuniary interest, and considering that a knowledge of maritime law is confined to a few individuals, together with the vast dis-  
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