

May it please Your Excellency,

Your Excellency having done me the honor to communicate through your Secretary, the commands of His Majesty's Colonial Minister, that a Commission should be opened, within the Province, to enquire into the complaints made against the practice of the Court of Vice Admiralty, of which I have been Judge for above thirty two years, I think it my duty to state to Your Excellency, that, since the communication was made to me, a suit depending in the Court has been conducted in a way which strongly exemplifies the spirit that actuates the mercantile body of this place in preferring these complaints, and at the same time, that manifests how much injury may arise to the poor seamen, to me, and to public justice, if such an inquiry should take place within the Province. That these pretended abuses should be examined into has long been my most anxious desire, for in this age of *alleged grievances*, it might be readily supposed, that a British Court peculiar in its constitution and practice, and vested with invidious jurisdiction, would not long escape becoming an object of Colonial invective and complaint, and I have therefore been prepared to meet whatever inquiry may be instituted: But it may be justly feared, that such an investigation by *Colonists*, within the Province itself, would serve only to ferment public discontent and be followed with no satisfactory results, either as it may respect the Judge, the Officers of the Court, or the numerous individuals who are the objects of its ordinary jurisdiction. I may state to your Excellency, that in order to meet the unmerited attacks which have been made against the practice of the Vice Admiralty Court, I have from time to time, caused reports of the most important decisions to be published in the Newspapers, and your Excellency will perceive from the papers, which I have the honor to enclose, the nature of the proceedings which took place in the cause to which I allude and the grounds of a judgment that appears to have created a strong mercantile feeling.—These documents your Excellency may perhaps think it proper, at this conjunction, to transmit to the Secretary of State, together with two others, which it will appear that appeals are made to *mob justice* with the view of influencing the popular opinion at a moment when the public attention is called to the opening of a Commission of Inquiry.

I ought not to avoid mentioning to Your Excellency that one of these judgments has been carried into appeal to the High Court of Admiralty, and if the others had been moved for within the time limited by law I should not have hesitated to allow an appeal also, though I am strongly induced to think, that in suits for seamen's wages no appeal lays from the Judgments of the Vice Admiralty Courts; indeed if it be otherwise, from the disposition shewn at this Port towards that useful and numerous class of men, (for above 900 ships arrived here from the sea last summer,) I can foresee no case in which a seaman will ever recover his wages, or obtain a remedy in this Country. Under these circumstances, and as the seaman has not the means of prosecuting the appeal, I can not but indulge a hope that Sir George Murray may deem it expedient to lay this subject before the Lords Commissioners of the Admiralty, to whose Department such matters more immediately belong, in order, that if their Lordships should think proper, measures may be taken to preserve the rights of a poor and meritorious class of men.

I trust that Your Excellency will excuse my taking this occasion of adverting to the immediate objects to which the attention of the Commissioners of Inquiry is to be directed. And first, in regard to the Judges right to exact fees. This I respectfully submit is a question which can best be decided at home, for it turns on the construction of the Provincial Commissions granted to Judges Johnston, Ogden;