

To His Excellency the Right Honorable SIR CHARLES THEOPHILUS METCALFE, Baronet, Knight Grand Cross of the Most Honorable Order of the Bath, One of Her Majesty's Most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, New Brunswick, Nova Scotia and the Island of Prince Edward, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :

WE, the undersigned Commissioners named to report to Your Excellency, for the information of Her Majesty's Government, on the subject of the establishment of a suitable Tariff of Fees for the payment of the Officers of the Vice Admiralty Court at Quebec, have the honor to lay before Your Excellency, a statement of our proceedings and the opinion we have formed on the subject referred to us by the Honorable Mr. Secretary Daly, dated the 28rd August last.

Having, in the first place, given a careful attention to the Despatch from Her Majesty's Principal Secretary of State for the Colonies and the documents accompanying it, which had been transmitted to us, we conceived it to be our duty before proceeding further, to request the Honorable the Judge of the Vice Admiralty Court at Quebec, to communicate to us in such shape as might appear to him, most convenient, his opinion as to the amount and scale of Fees to be inserted in such Tariff, with such observations and suggestions in reference to the subject as his experience might enable him to form. In compliance with this request, the Honorable Judge transmitted to us, on the 21st September last, a Tariff of Fees, such as he thought should be established for the Officers of the Vice Admiralty Court at Quebec, accompanied by a letter explanatory of his views upon the subject, both of which documents are attached to this Report. We afterwards thought it necessary to obtain the opinions of the Registrar and Marshal of the Court, on the subject, as also that of the Quebec Bar, more particularly of those gentlemen of the profession who most usually practice in the Vice Admiralty Court, and for this purpose we obtained the attendance of the Registrar and of several of the Advocates, whose evidence having been taken down in writing, will be found in an Appendix to this Report. The severe illness of the Marshal prevented his attendance before the Commissioners, and we have thus been deprived of the assistance to be derived from his information and experience.

Having in this manner obtained all the local information which was within our reach, connected with the subject matter referred to us, and having carefully compared the different Tariffs, namely, the one which was established in 1832 under the 2nd William IV., cap. 51, and which had since been abrogated ; that now transmitted by Her Majesty's Principal Secretary of State for the Colonies, as proposed for adoption ; and the one recommended by the Honorable the Judge of the Vice Admiralty Court at Quebec ; and having maturely considered the various documentary and oral evidence and information which we had obtained, together with what might be derived from our own knowledge and experience on the matters bearing upon this question, we have unanimously agreed upon the following Report, which we respectfully submit to Your Excellency.

We are decidedly of opinion that the Tariff which was established by an Order of His late Majesty in Council in 1832, before referred to, is much too high, and neither adapted to the means and circumstances of those upon whom it would operate in this Colony, nor to the class of cases which usually come before the Court of Vice Admiralty at Quebec.

We are also decidedly of opinion that the general objections acknowledged by all enlightened persons to the payment of Judicial Officers by fees apply in their fullest extent to the Judges of the Vice Admiralty Courts, and recommend that no fees to the Judges be inserted in the Tariff to be established agreeing completely