

George Okill Stuart, Esq., of Quebec, Advocate, also attended, and gave the following testimony :—

I have practised several years in the Vice-Admiralty Court at Quebec, and occasionally perform the duties of Deputy Judge, under a deputation which I now hold. The Tariff established by an Order in Council of 1832, I have always considered not at all adapted to this country, and the fees therein allowed by far too high for the generality of suitors: since that Tariff has been in disuse the Registrar and Marshal have been paid by annual salaries out of the Provincial Revenue; and the business of the Court has greatly increased, which I attribute to the facility afforded to the obtaining of the process of the Court without paying for it,—this has led to a great deal of oppression, and injustice to Shipowners; a number of vexatious suits have been instituted, and vessels arrested, particularly when on the point of sailing, without a shadow of ground, and with the view of extorting money from the Shipowners. I am of opinion that it would be preferable to pay the Officers of the Court by fees on each proceeding, and these fees adapted to different classes of suits. I would provide separately for Seamen's suits; they comprise at least nine-tenths of the business of the Court, and they are almost invariably disposed of in a summary manner, giving little trouble either to the Officers or Proctors concerned. I am of opinion that £200, sterling, annually, would afford an adequate remuneration for the duties performed by the Registrar, and £75, for the Marshal, allowing him his disbursements; and I think the duties ought to be performed by him in person, which I believe is not now the practice. In a Seaman's suit brought for the recovery of wages, and conducted to final judgment in a summary manner, the Registrar's fees altogether ought not to amount to more than 9s, sterling; in the same case the Marshal's fees ought not to amount to more than 7s, sterling, exclusive of disbursements; and the Attorney, for each party, from £3 to £4. In other cases I should recommend the Tariff proposed by the present Judge.

I am decidedly opposed to the allowance of fees to the Judge; it is as objectionable in the Admiralty Court as it is in the Common Law Courts. I would pay him by a fixed salary of £500 a year.

10th December, 1844.

Present :

Hon. W. Walker,
Hon. F. W. Primrose,
John Duval, Esq.,
Henry LeMesurier, Esq.

The Commissioners considered and agreed upon the different heads of their Report, a Draft of which the Honorable Mr. Primrose was requested to prepare.

13th December, 1844.

Present :

Hon. W. Walker,
Hon. F. W. Primrose,
John Duval, Esq.,
Henry LeMesurier, Esq.

The draft of the Report was read and finally agreed upon, and directed to be engrossed by the Clerk.