

perently equal, and conflicting rights. But although, from the powers given in the respective instruments above stated, it is clear that the agents, as to the right of asking and receiving Droits, stand in the place of their principal, yet I think it is not pleaded, or at least, is not proved, that the Lieutenant Governor of the Province is either a Vice Admiral, a Lieutenant, or Deputy to the Vice Admiral or in any way whatever invested with the rights and powers of that Officer.

The commission of Vice Admiral is directed to Sir George Prevost, the Governor and Commander in Chief only, with power of deputing and surrogating deputies, but without mentioning the Lieutenant Governor. The commission to Sir John Coape Sherbrooke appoints him only Lieutenant Governor of the Province of Nova-Scotia, and authorizes him to exercise and perform all the powers and directions contained in *the commission to the Governor General, Captain General, and Commander in Chief*, but does not mention his other Commission as Vice Admiral. Neither has any appointment as Deputy from the Vice Admiral been produced. Whatever therefore may be the rights and powers of a Vice Admiral, or his Deputy, it is not established in evidence that they have devolved upon the Lieutenant Governor of this Province.

Upon both these grounds therefore, and more especially upon the latter, I reject the allegation given on behalf of Sir John Coape Sherbrooke, so far as relates to his claim to receive these Droits, and pronounce for the allegation given by the Agents for the Receiver General of Droits.

£ 30