

“ to between Governor Carleton and my predecessor Judge Johnston.” If it may be permitted to the Committee to remark on this declaration, if the learned Judge, they request to say, that in their humble opinion, the right of the Judge of the Court of Vice Admiralty to make a Table of Fees for himself could not be established, either from the circumstance of his having laid the same before His Excellency Sir James Craig, or from its having been transmitted to the Treasury, and the Committee may be justifiable in believing that if the Judge had had the sanction either of the then Governor, or of the Treasury to exact the Fees in question, he would not in his examination have kept concealed so material a circumstance. The Committee request permission to add, that it would appear a most extraordinary circumstance, that the Legislative Council should have made an allowance of £200 per annum in lieu of Fees to the Judge, from a private and personal arrangement entered into between Governor Carleton and the said Judge Johnston. If that allowance were really made on a private and personal arrangement, it could scarcely be intended to descend to the successor of the then Judge, and if the allowance were made on public grounds as a compensation for the duties of the office, and in lieu of fees, then the Committee may be permitted to question the right of the Judge to exact fees, while receiving an annual allowance, originally granted by Law to his predecessor in lieu of Fees. The learned Judge refers to a Judgment lately rendered in the Court of King's Bench, in which the Plaintiff sought to recover back of the Judge Fees which he had exacted, and he appears to consider that Judgment conclusive as to the legality of the Fees which he exacts. The Committee view the judgment in a rather different light, and so far as they can judge from the printed Report, it appears merely to establish the incompetency of the Court of King's Bench to afford relief to Suitors in the Court of Vice Admiralty, who may have been condemned to pay fees to the Judge and the Officers of that Court.

8°. On this observation of the learned Judge the Committee abstain from remark, it being chiefly matter of argument of which they do not perceive the relevancy.

9°. The Committee in their Memorial alleged, that it did not seem irreconcilable with reason and justice, that the party gaining a suit should have to pay all the expenses and that the evil was aggravated from there being no Court in this country, to which the subject aggrieved by the decision could appeal for redress, and they respectfully submit that they may be allowed to maintain such opinion with the most perfect regard to the rights and interests of seamen. In the case of the *Hope*, and in many others, it would have been satisfactory to have been able to appeal from the decision of the Court, and the seamen could not have suffered, their action having been dismissed.

10°. The Committee in their Memorial submitted a plain, and as they thought a candid statement, no wise overcharged. They did not charge the Judge with a gross violation of reason and justice; but with the most respectful deference, it is still their opinion that the decisions of the Court in the cases of the *Hope* and several others (as regards costs,) do not appear reconcilable with reason and justice. When the learned Judge asks why did not the aggrieved party appeal to the High Court of Admiralty? The Committee may answer in his own words, that in nine cases out of ten “the remedy was without his reach.” In answer to the question of the learned Judge whether these complaints may not more justly be attributed to the vast number of Public Houses in this City, to the cheapness of spirits, and to the bounties which are offered to seamen to take home ships built in Lower Canada? The Com-