

Henry Black, Judge of the Vice Admiralty Court at Quebec. I consider the fees therein allowed to the Advocates both moderate and just. I am of opinion that it would be right to give the Court a discretionary power to tax Advocate's fees in a case of sufficient importance to require a second Advocate, say from three to ten guineas.

From the experience I have had in performing the duties of Registrar during the above period, I consider that an annual salary of £150, sterling, ought to be allowed in addition to the fees proposed by the Judge's Table, and £75, sterling, to the Marshal, in addition to the fees proposed.

I am averse to the payment of the Registrar and Marshal by an annual salary, exclusive of fees, because it enables suitors to harass the Officers unnecessarily; I would prefer a Tariff, however low, with a competent salary. Without an annual salary to the Officers, I am of opinion that the Tariff of 1832 affords no more than an adequate remuneration to them for the services performed—with such a Tariff in force the number of cases would be greatly diminished.

I would suggest the necessity of providing in a suitable manner for a Crier, by a small fee from each party on every case returned into Court.

5th December, 1844.

Present :

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

Dunbar Ross, Esquire, Advocate of Quebec, attended, and gave the following testimony :—

I have practiced in the Vice Admiralty Court at Quebec for the last ten years. I am of opinion that the Tariff of 1832, established by the Order in Council, is too high for the general class of cases tried in that Court, which are for Seamen's wages, but not for cases of Salvage, Collision, and others of like importance.

I have had an opportunity of looking over the Tariff proposed by the present Judge, and I think it too low; and I do not approve of his proposal to do away with the distinction between the fees paid to a Proctor and an Advocate, being of opinion that the distinction which prevails in England between an Advocate and a Proctor ought to prevail in this and all other Colonies; at the same time that I think that in all Colonies where the professions are united the Proctor ought to be permitted to take all the ordinary and reasonable fees allowed by the Tariff to one Advocate or additional Counsel, without charging twice for the same service, and subject to the discretion of the Registrar and Judge in taxation.

I think it would be desirable in practice, though it would be a violation of principle, to make a separate Tariff for such suits for the recovery of Seamen's wages.

As to the Registrar and Marshal, I am of opinion that they should be paid by an annual salary only, with the exception of furnishing copies of documents and such like services, for which a fee should be allowed. I am, notwithstanding, also of opinion that the payment of these Officers by salaries, instead of fees, has a tendency to increase the number of unfounded suits: I am of opinion that £250, sterling, for the Registrar, and £150, sterling, for the Marshal, are proper salaries; and as to the Registrar I make this estimate more in consideration of the important functions to be performed by the Registrar of the Admiralty, than with regard to the amount of business in the Vice-Admiralty at Quebec.

I am of opinion that the Table of Fees proposed by the present Judge would be excessive for the Registrar without any salary, as they would amount to about