

mands, and to submit to disobedient and disorderly conduct on board his Ship, rather than allow himself to be sued in the Court of Vice Admiralty with the certainty of being obliged to pay an excessive sum in fees and costs, and which in the present depressed state of the Shipping trade cannot be afforded.

That these suits are not few in number, but of frequent occurrence, and constitute a great abuse and grievance. And for your Excellency's present information, Your Memorialists beg leave to cite a late case of a suit "in formâ pauperis" decided in the Vice Admiralty Court. It was brought by certain seamen of the Brig *Hope*, against Master and Owners, and dismissed, and the owners were compelled to pay costs amounting to the sum of £46 17 2.

That the fees exacted by the Judge and Officers of the Court, and the fees allowed to the Practitioners are excessive, and bear no relative proportion to the costs and fees allowed in the Court of King's Bench.

That the Table of Fees taken and allowed in the Court of Vice Admiralty of Quebec, was established in the year 1809, by the present Judge of the Court, and has to the belief of your Memorialists been acted on ever since.

That your Excellency's Memorialists do not impugn the authority of the Judge to tax moderately the fees of the several Officers and Practitioners of the Court of Vice Admiralty, but respectfully submit that it would better comport with the security of the subject and the dignity of the Court, if they were regulated and defined by Law.

That it appears incompatible with reason and justice, and contrary to the maxim of the Law, "that no man should be a Judge in his own cause," that the Judge of the Court of Vice Admiralty in this Province, should have established rates of Fees for himself, and your Excellency's Memorialists have reason to believe that he has no authority to shew for the Fees exacted by him or in his name.

That by a Provincial Ordinance 20 Geo. 3rd cap. 3, passed for the regulation of Fees, no Fees were allowed to the Judge of the Court of Vice Admiralty inasmuch as, to use the words of the Ordinance, "The Judge of the Court is allowed by His Majesty a Salary of Two hundred pounds sterling per annum in lieu of Fees."

That the above mentioned Ordinance, though long ago expired, may be considered declaratory of the sense of the Legislature, and of His Majesty's Government, that no fees should be exacted by the Judge of the Court of Vice Admiralty, while he received the Salary therein named, yet, the said Judge has since 1809, exacted fees, and also received the allowance from His Majesty of Two hundred pounds sterling per annum made in lieu of fees.

That the party in whose favour a suit is determined should be condemned to pay all the costs of the suit, seems irreconcilable with the first principles of reason and justice, and constitute a degree of hardship, not to say oppression, calculated to excite complaint, the more so as there does not exist in this Province any Court to which the subject aggrieved by the decision of the Court of Vice Admiralty can appeal for redress.

Your Memorialists request your Excellency's attention to the annexed copy of the Bill of Fees and disbursements paid by the Agent of the Ship Owner in the above named cause, and have also to request your reference to the copy of the "Table of Fees taken and allowed in the Vice Admiralty Court," hereunto annexed.

Your Memorialists with all humility, and the most perfect deference to your Excellency's better Judgment, beg to submit, that the most speedy and effectual mode of obtaining the Relief sought for by the sufferers, will be to recommend to the Legislature to regulate the quantum of Fees to be taken by the Officers and Practitioners of the Court, in such manner as will best comport