

the same principle, a Seaman could proceed against a vessel for being unseaworthy, at any time while loading in Port, if she had not actually on board at the time of his complaint a sufficient stock of provisions, or of water casks for the intended voyage. The case of the *Hope*, important in itself to the Owners, is doubly so in a general point of view, and goes far to bear out the Committee in their opinion of the impropriety of allowing Fees to the Judge, inasmuch as from the Seamen having had, in the opinion of the Court, a just cause of action, at the commencement, full costs were decreed against the ship—whereas, if the Seamen had had no cause of action, the Court and Officers must have contented themselves with half costs. And the Committee may be permitted to add, that it lies solely in the breast of the Judge, who participates in these Fees, to pronounce whether there may have been just cause of action or not. The Judge thus becomes directly interested in the event of the suit, and it is much to expect from weak human nature, that an interested person should dispense impartial justice. As to the want of candour with which the Learned Judge charges the Committee, they are not aware of its being merited, so far as relates to the Bill of Costs in the case of the *Hope*. The expenses of the suit and those necessarily incident to the defence of the suit, amounted to £46 17s. 2d. and though of that sum, the Owners may have been compelled to pay by order, or decree of the Court, only £34 0s. 6d., yet they were no less obliged to pay the Proctor employed in the defence, the sum of £12 6s. 8d. agreeably to the Tariff of the Court. The Committee might as well charge the Honorable Judge with want of candour, in saying that the £12 6s. 8d. were paid voluntarily by the Owners, as it was, in truth, paid with a great deal of reluctance, and only after the Bill had been regularly certified by the Register of the Court, as conformable to the Table of Fees.

6°. The Honorable Judge does not attempt to controvert that part of the Memorial of the Committee with which he heads his observation, and it is unnecessary to follow him throughout. He admits the fact, that in the Court of King's Bench, much smaller Fees are taken, than in the Court of Vice Admiralty, such being the case, if the Prothonotary make £4000 per annum, they must perform duties in proportion.

7°. As to the allegation of the Committee, that the Judge of the Court of Vice Admiralty, has in their belief, no authority to shew for exacting the fees, (namely the specific Fees,) which he does, the Committee have had no reason to think otherwise. The Committee are not informed of the Fees and other advantages belonging to the High Court of Admiralty, and they therefore cannot judge how far the present Judge of the Court of Vice Admiralty may forego any of those advantages, but it is of record in the Court of King's Bench on the Oath of the Judge, that the present Tariff of the said Court of Vice Admiralty "was established by him in 1809 and was immediately afterwards laid before His Excellency Sir James Craig and transmitted to the Treasury," that he supposes his predecessor in office did not receive fees, "as his was
" only a Commission under the Province Seal, and gave no right to take Fees,
" that in the words of his declaration an old Table of Fees which was made
" in the year 1780, I think was in use in that Court when I was appointed Judge in
" the year 1797, contained no item of fees to the Judge, nor did it prohibit his tak-
" ing Fees, but contented itself with giving an intimation that the Judge of
" the Court of Vice Admiralty had a Salary of £200 per annum in lieu of
" Fees, thereby alluding to the private and personal arrangement entered in-
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