

den, and Sewell, in all of which the word "Fees" is purposely omitted when contrasted with the clause in the Admiralty Commission that was granted to me in the year 1797, when the Prize Commission attached to my Office and afterwards cancelled, was my principle inducement for accepting it, and thereby quitting the English Bar. Copies of these Commissions, particularly that of Mr. Johnstone, will shew, that the agreement between the Provincial Government and those gentlemen was purely *personal*.

In so far as respects the Tariff of Fees, which was not made till the year 1810, (the trade of this Port being so inconsiderable before that time, as not to render Fees any object to the Judge,) it will be found, and the costs in the cause appealed from will shew, that the Judges Fees at Quebec, bear no proportion to those exacted at Halifax and the other Colonies, and were the suggestion of the Board of Trade here, "to withhold from the Judge the annual allowance granted by His Majesty in lieu of Fees, until he shall have discontinued the exaction of Fees," adopted by the Government, the trade of the Colony would rather be burdened than benefitted, inasmuch as the Fees which the Judge would be legally entitled to would exceed in a four-fold degree those which are taken under the present Tariff. In proof of this may be mentioned the numerous class of suits under ten pounds, in which the Judge has no Fees whatever.

There is one subject connected with these complaints as it has on a former occasion been made use of, to deprive me of this Office, namely, that the two situations of Judge of the Court of King's Bench, at Quebec, and Judge of the Court of Vice Admiralty are incompatible. It is singular that this *incompatibility* should not have been discovered till nearly twenty years after I had occupied these two Offices; nor is it to be conceived that there can be any foundation for such a surmise seeing that in the Court of King's Bench there are *three* Judges, besides myself, to restrain me in the exercise of the Admiralty Jurisdiction, and that the Offices of Chief Justice and Judge of the Admiralty are combined in many of the most important Colonies.

I have thought it incumbent upon me, not only as it regards myself, but this Maritime Court, which has of late years become of great importance to the trade and navigation of the Colony to trouble your Excellency with these facts and observations, but whatever course may be followed on these complaints I shall most readily submit; at the same time permit me Sir, to add, that I feel in no degree disposed to abandon any share of what I conceive to be my vested rights, as this would compromise my own honor, which I esteem to be more valuable than these.

I have, &c. &c.

(Signed, J. KERR.

Quebec, January 13th 1830.

His Excellency
Sir James Kempt, &c. &c.

A true Copy,

H. Craig, Secretary.