

I regret extremely that as there are no funds at His Majesty's disposal which can be applied in the manner suggested by Mr. Justice Kerr, however deserving of attention his proposals may be, I am under the necessity of deferring the consideration of them under the present state of the Finances of the Province.

I have the honor to be,
&c. &c. &c.

(Signed,) G. MURRAY.

His Excellency
Lt. Genl. Sir James Kempt, G. C. B.
&c. &c. &c.

(No. 10.)

(Copy.)

No. 72.

Downing Street, 2nd September, 1829.

Sir,

I have had the honor to receive your Despatch, dated the 17th of May, 1829, numbered 62, enclosing various Documents relating to the practice of the Court of Vice Admiralty, and the Fees demanded by the Judge and Officers of that Court,

The subject to which these Papers refer seems highly deserving attention, but notwithstanding the copious explanations of the Merchants on the one hand, and the Judge on the other, I am not sufficiently in possession of the facts of the case to feel myself competent to act on the subject without further assistance.

With respect to the suggestion that the Court of Vice Admiralty might be entirely abolished, and its duties transferred to the Court of King's Bench, it may be sufficient to observe that this is a measure which could not be adopted without the sanction of Parliament, and that His Majesty's Government would not be disposed to recommend to Parliament so important an innovation, unless the most weighty and decisive reasons could be stated in its favour.

As the Office of Judge in the Vice Admiralty has been held for so many years by one of the Judges of the Court of King's Bench, and as no objection is made to the union of these offices in the same person, I presume that they may be regarded as perfectly compatible. If so, it is certainly unnecessary that the official emoluments of the Judge, as head, of the Court of Vice Admiralty should be fixed at such an amount as is necessary for maintaining the rank and dignity of the Officer. The Judge is maintained in his proper station in society by the joint emoluments of his two offices. Although, therefore, his salary of £200 per annum, is of course inadequate to the maintenance of a Judge, it is not equally clear that it is an insufficient provision in a case where the holder of the office is, at the same time, receiving a distinct Judicial Salary for his services in another Tribunal.

I am disposed to adopt the opinions of the Merchants of Quebec, that the Judge of the Court of Vice Admiralty receives his annual salary of £200 as a compensation for all Fees of Office, and that he is not entitled to receive such Fees without foregoing his salary. It appears that the first holder of the office, Mr. Potts, received the official Fees, and that his Successors abstained from receiving them, in consequence of the annual salary of £200, granted by His Majesty,