

To the Honorable the Knights, Citizens and Burgesses of Lower Canada in
Parliament assembled.

The Petition of James Kerr, Judge of the Court of King's Bench, and of
the Court of Vice-Admiralty, for the Province of Lower Canada,

Respectfully sheweth,

That in the early part of the Session of 1828-9, a complaint was preferred to your Honorable House against the Petitioner, by Bartholomew Conrad Augustus Gagy, Esquire, a practising Attorney of the Court of King's Bench, and till some months before the time of preferring the complaint, a practising Proctor of the Court of Vice-Admiralty; which complaint has given rise to an investigation, as well into the official conduct of the Petitioner, as in his whole life and demeanor.

That the complaint resolves itself into no less than *fifty one heads* of accusation, wherein the Petitioner, amongst other things, is charged with having rendered erroneous judgment; of being ignorant of Canadian Laws, usages and customs; of severity and rudeness to the accuser; of mistaking a religious order called "Congregationists" for Roman Catholic Methodists; of being embarrassed in his circumstances; of having been the cause that the accuser was fined £25 for a contempt in the face of the Court of King's Bench; of being one of the Judges when the accuser was ordered to pay the costs of a contemptuous and frivolous plea; of being inferior to the other Judges in capacity; of turning the accuser out of the Judges' Chamber; of having decided a cause in which the accuser's relative was a party without a hearing; of looking at his watch when cases were argued; of severely reprimanding the accuser for looking at the Petitioner through an eye glass whilst on the Bench; of not performing half so much duty as the other Judges, by which a vast number of causes, in the Inferior Court, were in arrear, of suspending the accuser from his functions as a Proctor of the Court of Vice Admiralty.—These are a few of the charges which were gravely preferred against the Petitioner—But, in order to exhibit the temper and spirit with which these accusations have been got up, and the character of the public accuser, as drawn by himself, the Petitioner begs leave to call the attention of your Honorable House to the accuser's having admitted, that he was three several times, illegally, as he states, convicted of contempts, to one other head of accusation contained in this catalogue of delinquencies:—The accuser is pleased to charge the Petitioner with having encouraged pauper suits in the Court of Vice Admiralty, in order to put money into his own pocket, and in the same breath the accuser adds, that "he speculated on the cupidity of the Judge," or in other words, that he endeavored to corrupt the Petitioner with the view of private lucre to himself. It is very far from the Petitioner's intention to enter into a defence of all, or any of the charges, which have been urged against him with so much rancour and perseverance: This, indeed, would be quite premature. He is only desirous of exhibiting to your Honorable House "*the form and pressure*" of these accusations, that your Honorable House may be enabled to form an opinion, whether they have been preferred from private or public motives, and that you may view them with those mingled emotions which naturally arise in upright and generous minds, from observing complaints of so unusual a kind, urged with so great vehemence and repetition against a Judicial functionary. The Petitioner may respectfully state, that during the