

I regret that His Excellency should consider that I have erred in the publication of the Report.—I have thus endeavoured to justify and explain my conduct and while I have hitherto maintained the determination I made to avoid all controversy on Provincial matters,—a determination I have no inclination to alter, I hope that the present explanation of an error unintentionally committed may meet with the favorable opinion of His Excellency.

I remain Sir,

&c. &c. &c.

(Signed,)

R. ARMOUR.

Lieut. Col. Yorke, &c. &c.

A true Copy,
H. Craig, Secretary.

(Copy.)

[Enclosure in Mr. Robert Armour's letter of 18th May 1829, respecting the Vice Admiralty Court :—]

The proceedings of the Imperial Parliament in relation to the great question of relief to the Roman Catholics, and the length to which our extracts from the debates on that momentous subject have extended, have hitherto prevented us from noticing matters of provincial interest.

In our paper of the 4th we gave insertion to the First Report of the Committee of the House of Assembly, on the Petition of Mr. Gury, of Quebec, against the official conduct of Mr. Justice Kerr, and would ere this have commented on its contents, had not the subjects to which we have reference, hitherto prevented us. The impropriety, however, of a Report being presented to the House in the progress of the investigation, may well be questioned, more especially when the Committee at the very outset, declare their inability, "from want of time to hear all the witnesses *necessary*," to form their opinion on the matters referred to in the evidence. In the case of the report on the conduct of Mr. Justice Fletcher, that Committee also made a First Report, before the investigation was closed, and before any opportunity was afforded to the Judge to reply to the accusations preferred against him. In publishing that Report we expressed our strong regret at the apparent partiality of the proceedings, which condemned the Honorable Judge, without affording him the slightest opportunity to reply to or explain the accusations of his enemies, and we only ventured to say, that if the allegations in that Report were substantiated and uncontradicted, the conduct of that Gentlemen was reprehensible.

In the case of Mr. Justice Kerr, the Committee have pursued a similar line of policy, for they have communicated to the House their First Report, before the evidence is complete, or before any explanation was asked for from the Judge whose official conduct was under consideration. There is something connected with the sacred functions of a Judge which ought to have been his protection in the Committee Room, and have prevented the Members thereof from presenting accusations so very long before any opportunity could be afforded to the accused to acquit himself of the blame, which much attach, should the accusations be well founded.

The publication of such charges under sanction of the Assembly, must have a tendency to lower the judiciary of the Province in the eyes of the people, while