

(53.) V.

To Allan N. Macnab, Esq., Chairman of the Committee on Dr. Duncombe's Petition to the House of Commons.

Communication
from J. MacIntosh,
Esq.

Sir,

I AM desirous of making the following alterations to the evidence given by me before the Committee:—

With regard to the question relative to the interference of Sir F. B. Head either directly or indirectly with my election, I would answer that I have no knowledge of Sir F. B. Head interfering personally at my election; but I am decidedly of opinion the answers given by him to the several addresses from the people, prior to that time, had an evident influence, and perhaps more so than had he personally interfered.

The sheriff of the district who is a Government officer, and under the direct control of Sir F. B. Head, did exercise his influence at my election, in opposing myself and in voting for and supporting Captain M'Aulay; he also seconded his nomination, which gave him the opportunity of addressing the electors in his favour.

The clerk of the Crown in Chancery and deputy secretary and registrar of the Province is also a Government officer, and, under the direct control of Sir F. B. Head, did also publicly interfere at my election, and endeavoured to influence the electors to vote against myself and in favour of Captain M'Aulay.

The master in Chancery, an officer of the Legislative Council, and under the influence of Sir F. B. Head, inasmuch as he is appointed to the office by the Lieutenant-Governor, did also interfere and exercise his influence at the election against myself and in favour of Captain M'Aulay.

Not a magistrate of the riding voted for me, but in favour of Captain M'Aulay; they are directly dependent on Sir F. B. Head for their office.

I doubt not but this influence, direct and indirect, was exercised to a greater extent and more effectually in other ridings and counties. I think it is very clearly shown, by the above facts, that Sir F. B. Head did exercise an indirect influence at my election; and I also think it is evident that he deviated from the instruction given him by the Secretary of State on his assuming the Government of this Province, when the appended extract is compared with the above evidence.

Captain M'Aulay, at the time that he offered himself as a candidate, was an officer on full pay, and he stated at the hustings that he had written for leave to retire on half pay, but had not received an answer.

He had runners through the riding paying and inducing the electors to come and vote for him; he kept the poll open for six days, not with any expectation of being returned, but gave as a reason that he wished to poll all the loyal voters in the riding. There was no copy of the statutes to be got the first day, but Mr. M'Aulay made out a written copy of an oath which the returning-officer administered to the electors the first day. On the morning of the second day, one of my friends procured a copy of the statutes; on the returning-officer perceiving this, he tore the written copy and stated that it was not correct; he refused men's votes who had lived in the county from 30 to 40 years, and who had fought in defence of the country in the last war, and who had voted at former elections; but because they were born in the United States, they were not allowed to vote till they procured a certificate of having taken the oath of allegiance, or a King's deed got out in their own name. But on the first two or three days the returning-officer would not receive the votes of any of these persons if they had disposed of the land obtained from the Crown, though they might be yet in possession of much landed property, even though they had the King's deed in their pockets, because Mr. M'Aulay decided that he should not receive them. The reason was quite evident, the majority of these persons were Reformers, and in favour of cheap and responsible Government. These are the men that bore the heat and burthen of the day in first settling the Province, but because they would not support such men as would pass Alien Acts, they are stigmatized as being disloyal to their King and country.

In my opinion this is the way to alienate the affections of the people from the Government; those men who supported Reformers at the late elections, and who held situations under the Government, were dismissed from office without any reason being assigned for their dismissal; but the man that is most active, if he is in the employ of Government, let him be ever so corrupt, he is the first that is promoted; and the worst of all is, the people are obliged to pay him to keep up a Legislature that they disapprove of; but if there be a Reformer in the employ of Government who dares to act according to his conscience, he is dismissed from office without being tried, as he should be, before he is condemned. Is this what you call a free and responsible Government? In my opinion it is not. The argument that will be raised in favour of those in power is, that a man should obey his master; but you must recollect that when he obeys his master he has the liberty of choosing that master.

Sir F. B. Head, in his instructions from Lord Glenelg, is ordered to adopt that part of the Earl of Ripon's despatch of the 8th November 1832 which relates to Government officers interfering at elections; but, to my astonishment, I saw those officers, from the Executive Councillor to the deputy hangman, all busy at the election. This is quite contrary to Sir F. B. Head's instructions; but, says Lord Glenelg, "Well done, good and faithful servant, I will sustain you in your office for going contrary to my orders." I suppose this is what you call responsible Government, when a man is told to do one thing and does another.

I have, &c.

(signed) John M'Intosh.