

# FREEDOM OF ELECTION.

## Robert Berrie, Esq. dismissed for presuming to Vote for Sir Allan N. Macnab !!!

The following is the Correspondence regarding this extraordinary affair :

MR. BERRIE TO MR. HARRISON.

HAMILTON, 1st MARCH, 1841.

Sir,

FROM the open and public manner in which I have spoken on your claim to the suffrages of the Electors of Hamilton, I had supposed that it would be perfectly known to you, that I did not mean to support you with my vote, and humble influence at the approaching Election. In order, however, that there may be no misunderstanding on the subject, I beg to give you explicitly to understand, that so is the case.

Our Gracious Sovereign and the Imperial Government having, in their regard for us, given us a representative form of government, approaching as near as our colonial dependency would admit, to that of the mother country—a constitution justly esteemed as the one best calculated of any under heaven, for securing the liberties, and promoting the welfare and happiness of the people. I think it behoves us to prize it as a boon, and to keep up its resemblance, as much as it is practicable, to its glorious prototype.

We have been taught to believe, that that glorious constitution owes its superiority, over all other political constitutions, to the wholesome checks and restraints, which are exercised by the different estates of which it is composed. The Sovereign, the Lords and the Commons, being separate bodies, quite independent of each other, acting as a counterpoise and restraint upon each other. In this respect, the popular check in this country, is necessarily deficient, and it should not be forgotten, how lately that formed the subject of popular complaint. And yet, until now, our Legislative Council, having been chosen by different Governors, and at different periods of time, consisted of men, differing in many important points from each other, and from the Governors for the time being. On the other hand, at the present juncture, the Governor, besides forming himself one part of the legislature, as our Sovereign's representative, is also, himself to choose the whole second branch of the legislature, at the next Parliament; consequently, he will have, at his own command, two thirds of the entire legislative power, leaving only the House of Assembly, to be a barrier between prerogative and the people. If this third branch also, is to be composed of persons of the Governor's own nomination, and of persons under his immediate control, where then would be our constitution? The Governor would then, instead of being the representative of a limited monarch, become an absolute despot, with unlimited powers,—all constitutional checks would be removed, and the Legislature so constituted, would be a mere mockery of a representation.

Such a Parliament could not possess the confidence of the people, nor tend to attach the people to the Governor's administration.

Entertaining these views on the subject, I cannot reconcile it to my mind, to lend my humble assistance towards the accomplishment of what I consider so little desirable; I cannot think of relinquishing a great principle for any vague ideas of temporary expediency; I cannot justify doing evil in the hope that good may come of it.

The Governor's confidential Secretary I cannot look upon, as being sufficiently independent of the Executive to be sent to the Assembly, at any time, especially at a juncture like the present, and I cannot do his Excellency the Governor General the justice so suppose, that he can think it necessary for himself to be vested with arbitrary and unconstitutional powers, in order to enable him to carry through his measures.

With every respect to yourself, as a gentleman and as a man,

I have the honor to remain, Sir,

Your very obedient,

Humble Servant,

To

THE HON. S. B. HARRISON, Esq.  
&c. &c. &c.

ROBERT BERRIE.

MR. HARRISON TO MR. BERRIE

Hamilton, 5th March, 1841.

SIR,

I have the honor to acknowledge the receipt of your letter of the 1st instant, (this moment received,) upon the subject of my claim to the suffrages of the Electors of Hamilton, in which, with a view to prevent misunder-

standing on that head, you give me explicitly to understand, that you do not mean to support me with your vote or influence at the ensuing Election; and in your letter you take occasion to express your views with respect to the present state of affairs, and the policy pursued by individual members of the Government coming forward as Candidates to represent the people in the House of Assembly.

Nothing can be further from the desire of the Government than to interfere with the political sentiments of any individual or body of individuals. The whole tenor of the Governor General's policy has manifested a firm determination to act in accordance with the wishes of the people generally. Every man's opinions are entitled to respect, and every one should have the fullest opportunity of exercising, unbiassed, his political franchise of voting for such a representative as he thinks the most fit. On the other hand, however, the Government has the undoubted right to expect that its servants should not act at variance with the policy it is pursuing. When that policy militates with the opinions entertained by any person in such a situation, there is an obvious option open to him to avoid the difficulty.—In this view of the case, your letter is a fit subject for the consideration of His Excellency as the head of the Government. I have therefore the honor to inform you that I have lost no time in forwarding it, together with a copy of this answer, for His Excellency's information.

I have the honor to be,

Sir,

Your most obedient humble Servant,  
S. B. HARRISON.

(Signed)

MR. BERRIE TO MR. HARRISON.

Hamilton, 6th March, 1841.

SIR,

I have the honor to be favored with your letter of yesterday's date.

It is with much surprise and astonishment that I there find it avowed by the Governor's Civil Secretary, that opposing him in his contest at an Election for a Representative in Parliament, is to be considered by the Government as setting one self in opposition to their policy, and that those holding offices must either support his Election or resign their situations.

I am perfectly satisfied with the course you have taken, of transmitting my letter and your answer to His Excellency the Governor General, feeling perfect reliance upon his Lordship's respect for the rights of the people. I therefore entertain no apprehension for the result. I feel assured that the novel, unconstitutional, and degrading doctrine, that Office's holding situations at the will of the Governor, must either vote for the supposed Government Candidate at an Election, or resign their situations, will meet with a decided disavowal from the Head of the Government.

I have the honor to be,

Sir,

Your very obedient, humble Servant,  
ROBERT BERRIE.

(Copy)

Government-House, Montreal, 10th March, 1841.

SIR,

Mr. Harrison having laid before the Governor General a correspondence which has passed between yourself and him, I am commanded by His Excellency to inform you that he has no further occasion for your services as Clerk of the Peace for the Gore District. Without entering at all into the question of your feelings towards any particular Candidate at an Election, His Excellency feels that to remain in an Office held during pleasure, a Gentleman, entertaining and expressing the sentiments which you avow in respect to the Executive Government, would necessarily tend to bring the Government into distrust with the people, and he has therefore no alternative but to adopt this course.

I have the honor to be, Sir,

Your obedient Servant,

THOMAS C. MURDOCH,  
Chief Secretary.

(Signed)

R. BERRIE, Esq.

## Durham and Responsibility !!!