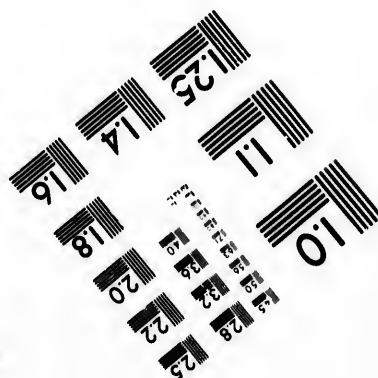
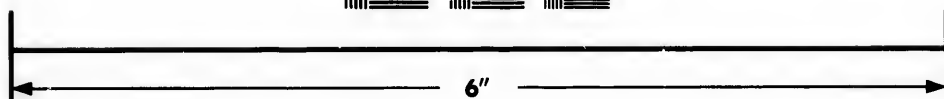
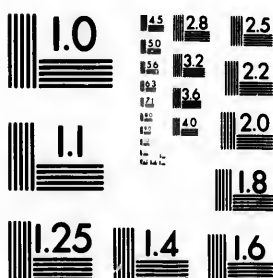


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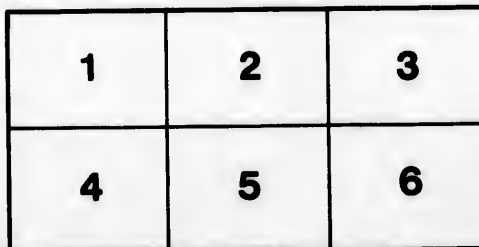
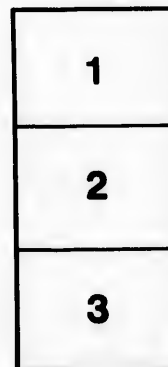
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872386



**TO THE INHABITANTS**

**NOV 14 1931**

**OF THE**

**CORE DISTRICT.**



AS I have become a permanent settler amongst you, and consider my interest, my honor and my privileges as a British subject, identified with, and closely interwoven with yours, I take the liberty of laying before you the very extraordinary proceedings of the House of Assembly, through which I have been unjustly condemned, unheard, and arbitrarily imprisoned in this Jail.

You are aware that I live in Hamilton, and that I depend upon my professional services for a living. Some time since I was summoned to attend a committee of the Assembly, to give evidence respecting what is termed "the Hamilton outrage, and the threatened release of Francis Collins by force."

I did not consider myself bound by the law of the land to obey such a call; but ready to meet the wishes of the committee, I attended cheerfully, at much personal inconvenience and expense; I was examined, but enjoined to remain—I did remain—was again examined—reported contumacious, and committed to jail unheard. On Saturday last I underwent the second examination respecting the frivolous business, about which the time of

the House is wasted—an enormous expense to the country incurred, and the character of the District of Gore attempted to be implicated. Many frivolous questions were asked me, but I patiently answered so long as any relevancy to the subject matter could be discovered. Permit me to remark, that although I was summoned by a Mr. Blacklock, I found Dr. Baldwin (well known for his political eminence, and high legal attainments) acting chairman pro tem as he said. The Doctor has long indulged a most vindictive animosity towards me, and has long pined for an opportunity to oppress—he cannot crush me. His friend Mr. John Rolph, is still more inimical, and is one of the committee of course; a Mr. Perry, about whom, as I can say no good, shall say nothing, was another. Such are the people who pretend to do the public business of the country, who pretend to be guardians of the freedom of the subject. Dr. Baldwin, from the outset of the examination was not only uncourteous, but rude and ungentlemanly in his behavior towards me, as I can prove; but I however bore meekly with his manner, not unusual to myself or others he happens to dislike. At length he inquired whether I had ever seen the petition of Francis Collins, meaning a petition of some of the inhabitants of the District of Gore in favor of the said Francis Collins, to which I answered I had not, but that I had seen a copy of it published as an advertisement in the Gore Gazette, I added I conceived it a question I was not bound to answer before that committee, as I was only summoned to answer such questions as might be put to me relative to the “Hamilton outrage, &c.” and besides, that I was not prepared for any questions relative to Mr. Collins or his petition, or to that effect. I also stated that if the connection could be made to appear between the question put and the occurrence at Hamilton, respecting which I was called to give evidence, I would readily answer, as far as was within my knowledge. I also added, that if the committee should overrule me, I would of course submit, but that

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I did not wish my answer to be taken down, until the committee should first decide whether I was bound to answer that question. I was next asked whether I had any idea of the circumstances which gave rise to the hanging of Sir John Colborne in effigy, to which I answered I had not; I was further asked whether I had seen Mr. Gurnett's remarks relative to the aforesaid petition in his paper of the 24th January last, I replied I had not; Mr. Baldwin, chairman pro tem, then tendered me one for perusal, after which I was asked if the remarks contained in it were correct; I respectfully submitted the question was irrelevant, and that I was not bound to answer it, not having been summoned for such a purpose. The Doctor then peremptorily desired to know, whether I would or would not answer the foregoing questions; I said I wished it to be understood, that with perfect respect towards the committee, and with all due deference, I did not think I was bound to answer such a question.

I was then interrogated whether I had any reason to believe that there were any feelings of indignation with the people of Gore District, against Mr. Gurnett, for his said publication of the 24th January last, when I answered as before; I was further asked whether I understood Mr. Gurnett's effigy had been hanged before that of Sir John Colborne, I said I understood it was, but that I did not consider that I was bound to answer that question.

I was asked what the feelings of the people of Gore were towards Sir John Colborne, and in answer, I submitted to the committee whether the question was a proper one; that it was impossible for me to give the opinion of the people, and that I could only speak for myself, that I had no objection to give my own opinion, which was that I thought the feelings of the people generally, were good, and what they ought to be as good subjects, and I again stated to the committee that in my opinion the question was an improper one, in as much as my answer could not be



satisfactory, and might do me injury in the District; I might be misrepresented, or my meaning misunderstood, and I conceived the questions not pertinent to the subject matter mentioned in the summons, or such as a Court of Justice, on any similar occasion, would permit to be asked. I am of opinion that many of the above questions were put to me by Mr. Baldwin the chairman, from unjust motives, to draw me into the discussion of doubtful and disputable subjects resting upon mere conjecture or opinion, with a view of ensnaring me, and not from any desire to elicit information, for any beneficial or useful purpose, and therefore I felt the more justified in declining to answer them.

On the evening of the same day Dr. Baldwin reported to the House, in substance that I had been called before the said committee, and that questions to the following effect being put to me, I refused to answer.

Have you seen the petition in favor of Francis Collins?—Refuses to answer.

Have you any idea what circumstances gave rise to the hanging of Sir John Colborne in effigy?—No.

Is the remark of Mr. Gurnett in his paper of the 24th January last relative to the petitioners correct?—I am not bound to answer that question, as I was not summoned for that purpose.

Will you or will you not answer this question?—I wish to be understood perfectly respectful towards the committee, and with all due deference, I do not think I am bound to answer that question.

Have you any reason to believe that there are any feelings of indignation with the people against Mr. Gurnett for the publication of the 24th January last?—The same answer as before. I am not called to say anything relative to Mr. Collins or Mr. Gurnett.

Did you understand that Mr. Gurnett's effigy was hung before that of Sir John Colborne?—I understood it was, but I do not conceive I am bound to answer that question.

Upon this partial and uncandid report, the Doctor, seconded by Mr. Perry, and supported by Dr. Rolph, moved, and (strange to say) it was resolved by a majority of the House

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That Allan McNab, Esq. having refused to answer questions put to him by the select committee, and otherwise misdeeming himself before said committee has been guilty of a high breach and contempt of the privileges of this House.

YEAS.—Messrs. Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, McCall, McDonald, McKenzie, Malcom, Perry, Peterson, Randal, J. Rolph, G. Rolph, Shaver, Smith, Terry, Thomson, and Woodruff.

NAYS.—Messrs. Attorney General, Berczy, Bethune, Ewing, Fothergill, Fraser, Hamilton, Henderson, Longley, Radenhurst, Samson, Wilkinson, and Willson John.

That it be resolved that the Speaker do issue his warrant directed to the Sergeant at Arms, to apprehend the said A. McNab forthwith, and bring him to the bar of this House on Monday next, to answer for such contempt and breach of privilege.

Which was ordered—26 to 13.

I was accordingly arrested, and arraigned at the bar on Monday the 16th instant. Here I beg to point out to you, that I was condemned unheard, without any opportunity of making a defence, of refuting mistatements, of explaining my motives, or of pointing out errors or omissions, upon the exparte statements of my accusers. At the bar, tho' not called upon to extenuate my alledged misconduct I took the liberty as a free subject, humbly in the face of the world to offer the following observations, which I did, I hope, with the firmness of a man, but with all becoming respect.

MR. SPEAKER,

I have perused the warrant under which I am brought to the bar of this honorable House (and without being understood to admit the legality of my arrest and detention) I beg to observe, that from the process, I only learn in general terms that I have been adjudged guilty of a high contempt and breach of the privileges of this honorable House, in having refused to answer questions put to me by the select committee appointed to inquire into what is termed "the Hamilton outrage, and the alledged threatened release of Francis Collins by force," and in otherwise misdeeming myself before the said committee.

Under such circumstances, I can not but complain of being prematurely judged, without enjoying a right inviolably secured

By our glorious constitution to the meanest felon, whenever arraigned before a tribunal of justice.

As long as the resolutions, which it seems were passed against me, in my absence on Saturday evening, remain recorded on the journals of this honorable House, I cannot but feel myself *accused, tried and convicted*, not only unheard, but without notice or intimation, upon the exparte representations of my accusers, and under such circumstances, I am impelled to regard the doors closed against reply or explanation.

Even were the resolutions rescinded, I am constrained respectfully to remark, that I could not with a confidence equal to the justice of my case, and the innocence of my conduct, cheerfully answer in a place in which I had once been so hastily condemned.

I am in the power of this honorable House, but I trust still under the shelter of the British laws.

Against the decrees of this honorable body, I, an humble, and let me add, an unoffending individual, am ill able to contend, but my fate to-day may be the fate of another to-morrow, and of hundreds in time to come; the public whose liberties are dear to them, are as much, nay more concerned than I am in this unusual preceeding. To that public I can appeal for vindication, I have no other alternative. To my country I shall turn with confidence, but whether sustained by its voice or not, there is a spirit of patriotism inflaming my breast, as a British subject, a native of Canada, and an innocent man, that forbids me submissively to yield to the infraction of the best rights and privileges of the people in my person.

With all due deference and respect to this honorable House, I most respectfully claim protection, Sir, as a subject of my most gracious sovereign; I claim the birthright privileges of a Canadian inhabitant under the sacred auspices of the English law, dispensed in the spirit of British justice.

Would you believe that instead of unanimously applauding me for speaking fully the sentiments of a free-born Canadian, Dr. Baldwin, seconded by his friend, moved that this address be voted another breach of privilege, as if the privilege of complaint even was to be denied me, and implicit silence to be imposed upon an innocent person condemned unheard. The majority would not go such lengths, yet they voted that I should be committed; and

some of them, because of my offensive; so that and party feel the people of Gore-dier during the It is my misfortune of those enemies Any one that Baldwin and the whole of the I saw that upon me. I saw under the fiction of vengeance on individual to poses, and to from me sent you. They were assailing District, and the first of he deserter of n because I was posed to me, before convicted was because their little br was because wrong, that t freedom of the subject

Some of them, I am told, say they gave their votes against me, because of my speech, although they had decided it not being offensive; so much for consistency and honor, when private pique and party feeling get the better of truth and justice. Now good people of Gore, I am a native of this province, I served as a soldier during the last war, I have ever since resided in the country. It is my misfortune to have enemies, and it is the misfortune of those enemies, I say it is their misfortune to be vindictive. Any one that knows the animosity rankling in the breast of Dr. Baldwin and the Rolphs towards me, will be at no loss to unravel the whole of this strange conduct. I knew and felt their object. I saw that under pretence of right, they were trying to trample on me. I saw that under the false pretence of contumacy, and under the fictitious plea of privilege, they were seeking to wreak vengeance on one exposed, but no more exposed than every other individual to wanton abuse. I saw that to gratify such low purposes, and to ruin me in your esteem, they endeavored to wring from me sentiments which they hoped would be obnoxious to you. They saw that in me, a humble inhabitant of Gore, they were assailing the rights, liberties and characters of the whole District, and I was resolved, come what might, I would not be the first of her free sons to prove traitor to her liberties, the base deserter of my country's rights. For this I am here. It is not because I would not answer the idle and absurd questions proposed to me, for if so, why was I not called upon for a defence, before conviction? It was because I would not libel you. It was because I would not crouch to my personal foes, clothed in their little brief authority, and the assailants of your rights. It was because I was too independant to succumb to the oppressors wrong, that they have done this. The case is before you, the freedom of the country is infringed, the rights and liberties of the subject are trampled in the dust by those who ought to be

the guardians of both, the abuse of an usurped authority is wantonly put in force against me, because inimical to them and true to you. I turn to you for vindication. If approved by you I desire no more. It is for your sakes I suffer. Your approbation will sooth me. The redress of my wrongs, and the assertion of your rights, are inseparably blended together. If you desert me unsheltered to the pitiless storm of the wrath of my persecutors, I shall regret it; but not repine. My consolation is, that under all circumstances, and at all times, England expects every man to do his duty; and that I have stood by your rights, and done mine. To many of the Assembly for their able exertions in the cause of freedom and of innocence, I am exceedingly indebted. I shall add lists of Yeas and Nays, that you may be aware who stood by the helpless, and who on the other hand, so hastily condemned one of your fellow subjects, without a hearing. I have hereafter more to say to you on this subject; I regard it as one of vital importance to Upper Canada, if liberty or law are to be maintained amongst us.

York Jail, February 24, 1829.

List of Yeas and Nays, on Mr. McKenzie's motion for committing Mr. McNab to prison:—

YEAS—Messrs. Baldwin, Blacklock, Brouse, Buell, Cawthra, Hopkins, Horner, Ketchum, Leflerty, Lockwood, McCall, McDonald, Mackenzie, McTolm, Matthews, Perry, Randal, George Rolph, John Rolph, Shaver, Smith, Thomson, James Wilson, and Woodruff, 24.

NAYS—Messrs. Attorney General, Berczy, Bethune, Dickson, Ewing, Fothergill, Fraser, Hamilton, Henderson, Longley, McLennan, Peterson, Russell, Tait, Terry, Williamson, and Young, 12.

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