

The Honourable John Elmsley,  
The Honourable William Henry Draper.

To His Excellency Sir George Arthur, K. C. H.,  
Lieutenant Governor of the Province of Upper  
Canada, and Major General commanding Her  
Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Council have attentively perused the Memorial or Protest of the Rev. Mr. Gale, transmitted by him, as Moderator, "in name and by appointment of the commission of Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland," to your Excellency.

They have noticed with mingled surprise and regret the tone of this Document, and the spirit in which the Reverend Moderator has felt it necessary to urge the claims of the members of the Established Church of Scotland resident in this Province upon her Majesty's Government.

The Council are sorry to observe the reference made to an alleged speech of the Attorney General as a member of the House of Assembly. After the full explanation which has been given by that officer with respect to it they can only suppose that this explanation has never come under the observation of the Reverend Moderator, or he would not have reiterated as genuine the Report of a speech the authenticity of which now rests on the sole authority of a fugitive traitor, and so far from desiring to exclude the Church of Scotland from participating in the Reserves the Journals of the House of Assembly prove the readiness of the Attorney General to place it in the power of the Crown to meet every claim that Church has advanced, in such manner as the Sovereign might deem just and expedient.

But whatever may have been the views of the Attorney General the Council think it right to observe that there is no possible ground on which they are to be looked on as the opinions of the Imperial or Local Government on this question, or as expressing the sentiments of either.

The express invitation on the part of His late Majesty to the House of Assembly, "to consider how the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this Province," coupled with Lord Glenelg's despatch of the 15th December, 1835, to Sir P. B. Head shows clearly the desire of His late Majesty that the opinion of the Colonial Legislature should be fully expressed on this important subject; and that as regarded the Government, it was in every sense of the word an open question, on which all the members whether holding office or not, had the right of freely advocating their own views; in so doing, however, no one could in the slightest degree be considered as uttering the sentiments of the Government.

But the Council still more regret that in the assertion of the claims of the Church of Scotland, topics should have been adverted to replete with perilous recrimination, and calculated to revive those feelings of hostility which, centuries ago, existed between the natives of North and South Britain. The Council cannot understand for what good purpose such allusions are made, or what connexion with the subject is to be found in the following passage: "We see England first consenting to receive from us a King, and then seeking to be incorporated with us as a nation."

The Council cannot pass over this passage, and others of a similar character, without declaring it as their conviction that their utterance is uncalled for by the occasion, and distasteful to the Scottish inhabitants of Upper Canada. They do not believe that Scotchmen, whether Episcopalians, Catholics, or Presbyterians, whether members of or dissenting from the Established Church of Scotland, desire that the ashes of wars, long since past and almost forgotten, or remembered only to be deplored, should be raked up in order to discover if there be yet a spark remaining which may seem to rekindle strife and animosity between them and their brethren of the United Kingdom.

The Council abstain from any examination of the arguments contained in this Protest, as more properly falling within the province of the Legislature, and notwithstanding the difficulties which have hitherto presented themselves on a satisfactory adjustment of the question, and though the agitation its present state has created is "a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which in public affairs not seldom suggests to parties alike solicitous for the general good some mutual surrender of extreme views, and some compromise on either side of difference, which at first sight might have appeared irreconcilable."

All which is respectfully submitted.

(Signed)

R. B. SULLIVAN, P. C.

(No. 3.)

To the Queen's Most Excellent Majesty.

May it please your Majesty.

We, Your Majesty's most dutiful, loyal, and devoted subjects, the undersigned Magistrates and others composing the grand inquest for the district of Bathurst in your Majesty's province of Upper Canada for your Majesty's Court of King's Bench, beg to approach your Majesty with the most profound respect for your Majesty's Royal Person, and our devoted and zealous attachment to that glorious Constitution which has placed Your Majesty and Your Majesty's illustrious forefathers on the Throne of one of the most powerful and most enlightened Empires in the