

That they may effectually do so, however, it is always provided that the Agency of these powers be concurrent; so only it is obvious can their mutually restraining influence be effectually exercised.

Not to enlarge on an admitted principle, we may ask what irremediable damage to British legislation, and what interminable confusion to its procedure, would not be produced were it competent for the House of Lords to pass any Bill which had ever passed any preceding House of Commons, or for any Sovereign to dissent to any Bill which had ever thus slipped through both Houses.

The obviously mischievous tendency to the introduction of such a mode of procedure into the Legislature of the Empire but faintly images its evils in this case, for not only would it render the provisions of the Statute nugatory in the prevention of error, but by removing the necessary publicity of the earlier stages of the process, and the check on human passions and prejudices which publicity furnishes, it would make these very provisions the instruments prompting to the commission of error.

It is obvious that, were it authorized, a Colonial Minister, restrained from advising certain measures by a salutary dread of the public odium and personal inconvenience likely to arise from them were they to be carried into immediate operation, might yet be easily led to procure the royal authority for their being effected were he sure that this could only happen at some remote period, when he would no longer personally have reason to fear the consequences. Is it to be believed that any Minister can thus indefinitely look up the Royal prerogative? That the Royal Will is to be sought for, not in the breast of the living and breathing monarch, but in the musty folds of some old document deposited in the archives of the Colonial Executive Council? That, from thence, to the astonishment of the reigning Sovereign and his Ministers, the dismay of the people, it is to issue for the purpose of changing the whole Ecclesiastical condition of the Province? Such a supposition seems to be an insult to common sense, a Libel on the well-guarded and intelligent, the open and straightforward course of British Legislation.

Finally, we hold the establishment of the Rectories invalid, and from the superior countervailing force of the articles of the treaty of Union of the two Kingdoms of England and Scotland.

We maintain that no act can truly emanate from the Sovereignty of Great Britain destructive of the principles from which the Monarch derives its existence, and on which it rests; that the articles of Union of the two Kingdoms of England and Scotland, being the very basis of the Monarchy, can in no way possibly be infringed, or violated, and that therefore, whatever pretends to violate or infringe them is to be esteemed essentially powerless, and void. We maintain this measure is thus essentially power-

less and void, because it can have neither power nor reality but through a flagrant violation of them.

The articles of this Treaty, solemnly ratified by the delegates of both nations, ere they merged themselves into a United Kingdom, secure to the natives of both a community of all rights, privileges and advantages which do or may belong to either.

Canada being a colony conquered by the arms of both Kingdoms subsequently to their Union, every advantage which it presents ought consequently, in virtue of these Articles, to be available alike to Scotchmen and Englishmen. In contravention of this great and fundamental principle it is pretended that a despatch of Lord Bathurst's gives valid authority to the Governor and Executive Council of the province to portion it out into Rectories of the Church of England, and to divide among the incumbents of these Rectories the whole provision made for the support of a Protestant Clergy, amounting to a seventh part of the lands of the Country.

Before such authority in any measures that may have taken place in dependence on it can have validity, we demand that it be shown what equality of rights it allows between Scotchmen and Englishmen when it pretends to have power not to leave the former a spot to put his foot on where he shall not be subject to a rector of the Church of the latter, having, according to the opinion of law officers of the Crown, "the same Ecclesiastical authority as is vested in the Rector of a parish in England."

We demand that it be shown what equality of advantage it would permit to Englishmen and Scotchmen when it would bestow one seventh of the colony on the Church of the former, and would not leave a single acre for the church of the latter.

Until this be shown, we utterly deny the possible validity of the authority. We solemnly protest against any proceedings that may have taken place in reliance on it, and hold them ineffective and null, as being a direct opposition to the fundamental laws of the Monarchy.

To all which I respectfully crave your Excellency's attention, in name and by appointment of the commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland.

(Signed) ALEXANDER GALE, Moderator,
Hamilton, 18th July 1838.

(No. 2.)

Executive Council Chamber at Toronto, Thursday, 9th August, 1838.

PRESENT :

- The Honourable Robert Baldwin Sullivan, Presiding Councillor.
- The Honourable William Allan.
- The Honourable Augustus Baldwin.