

for hearing ; and I have to request that, in conformity with the intimation conveyed to me in your Lordship's Letter of the 11th July last, Her Majesty's Attorney and Solicitor General may be directed to attend on the hearing which will take place soon after the ensuing term, in order to allege their reasons on behalf of the Crown, in support of the measure to which the Petitioners object as an infringement of the Law.

I have, &c.

(Signed)

WHARNCLIFFE.

The Right Honorable LORD STANLEY, &c. &c. &c.

[COPY.]

*Downing Street, 27th May, 1844.*

MY LORD—

I have had the honor to receive your Lordship's Letter of the 17th instant, accompanied by a copy of the Case which has been lodged at the Council Office, in support of the Petition of certain inhabitants of Cape Breton, for the repeal of the union between that Island and the Province of Nova Scotia.

Although I continue to think it necessary that Her Majesty's Attorney and Solicitor General should attend the hearing of the Petition, yet, on a perusal of the Case of the Petitioners, I cannot avoid the conclusion, that it is indispensable that an opportunity should be afforded to the Legislature of Nova Scotia also to attend the hearing, should such be their wish, by their Agents and Counsel. The questions in debate are such as deeply concern that Province in its Revenues, and in all its other more considerable political interests. The vindication of the measure of 1820, would probably not be conducted so completely, or so much to their contentment, by any Advocates as by those who might be employed by their own Agents, and act under their own instructions. Be that as it may, it appears to me to be due to the Provincial Legislature, to call upon them to decide for themselves on the acceptance or rejection of the opportunity of making good the claims, on which, I have reason to conclude, they still insist.

With your Lordship's concurrence, therefore, I propose to instruct the Lieutenant-Governor of Nova Scotia, to take the earliest occasion of intimating to the Legislative Council and Assembly, that the Lords of Her Majesty's Privy Council are prepared to hear any Counsel who may be authorised by them to oppose, on behalf of the Province, the claims of the Petitioners.

If that course be taken, the hearing of the Petition must of course be postponed until the result of that reference shall be known.

I have, &c.

(Signed)

STANLEY.

The Lord President of the Council.

[COPY.]

*Council Office, Whitehall, May 31, 1844.*

MY LORD—

I have the honor to acknowledge the receipt of your Lordship's Letter of the 27th instant, referring to the Petition of certain Inhabitants of Cape Breton, and suggesting the propriety of calling upon the Legislative Council and Assembly of Nova Scotia, to appear, by their Counsel, in opposition to the prayer of these Petitioners, inasmuch as "the questions in debate are such as deeply concern that Province in its Revenues, and in all its other more considerable political interests."

Before I concur in this suggestion, I wish to remind your Lordship of the precise nature of the question now pending before the Judicial Committee. In conformity with the opinion