

upon it that they had no jurisdiction. That, on the contrary, by a *Petition of Right*, the Sovereign was asked to name the tribunal, and it did not follow that Her Majesty might not be advised to refer it to the Privy Council, in which event, however, it would come before their lordships, not from the Baronets, but from the Queen, with the endorsement, 'Let right be done.' That, in this latter case, the *Petition* would come before the Privy Council not in their judicial capacity under the recent Act, but in their elder capacity, and they would sit upon it as a commission to instruct the conscience of the Queen. That a *Petition* to the Queen in Council might be inoperative, whereas a *petition of right* embraced the widest possible range. That, by going to the Privy Council, the Baronets would ask for litigation, whereas, by going to the Queen, they would ask for right. That, on considering the *petition of right*, the Queen might be advised to grant its prayer, otherwise it would be certainly referred to some Court competent to entertain it, and to come at once to a decision on the merits. That there was little difference in a *petition of right* and a *Petition* to the Queen in Council, as regarded forms, but the effect of the former would be very different from that of the latter, and would be attended with much less delay and expense." Since the date of the meeting of the Committee referred to, an elaborate *Petition of Right* has been prepared under the professional supervision of Mr. H. S. Westmacott, of St. John-street, Bedford-row, the head of one of the most eminent solicitor firms in London; and further, the joint legal opinion of two of the ablest jurists at the English bar has been taken upon the same, who agree in thinking, after a full consideration of the documentary evidence laid before them, 'That the Baronets of Scotland, created from 1625 to 1638, hold their respective Baronies of 16,000 acres each in Nova Scotia, (as originally bounded, which includes New Brunswick, &c.) given with other titles, in free blanch farm, and as liege regal fiefs immediately of the Kings of Scotland; that the Baronets created between 1638 and the Union in 1707 have the same equitable rights to Baronies of 16,000 acres each in Nova Scotia as they would have had if their charters had been made out *ad longum*, the general words in their family patents, taken in connection with the regulating patent of the Premier Baronet and other instruments, constituting a sufficient obligation to bind the conscience of the Sovereign; that the rights and privileges of the whole body or Order are valid and subsisting, not having been extinguished or impaired by statutes of limitation, by adverse possession, by foreign conquest, by non-usage, nor by any other cause or circumstance whatsoever; and that it is open and competent to the Baronets to recover the same by an application to the Sovereign in person, as the fountain of justice, through the legal medium of a '*Petition of Right*.' This Opinion was laid before a meeting of the Committee held at Edinburgh on the 9th of September last year, the Right Hon. the Earl of Carnarworth presiding, when the Committee unanimously approved of the presentation to Her Majesty of the *Petition of Right*, and directed that all due diligence should be used to urge forward the proceedings to an immediate conclusion. The circumstance, however, that a noble Baronet then present, placed in the hands of the Committee copies of various important documents previously undiscovered, showing that the Baronets, after several general meetings, had made in 1777, (only fourteen years after the Treaty of Paris, when Nova Scotia was finally restored by the French, and when scarcely any portion of the Province as originally bounded was settled) a formal application to the Crown for the restoration of their rights and privileges—taken in conjunction with the exigent necessity for an immediate regulated colonisation of British North America, produced by the late Famine Visitation—led the Committee, on its first assembling for business this session, to think, that previous to presenting the *Petition of Right*, it would be desirable to adopt the intermediate course of waiting upon Earl Grey by a deputation, and placing in his hands the "*Memorandum and Protest*," a copy of which is now before the public. That document contains a proposition, not only unexceptionable in itself, but one which was, and is, supported by considerations that well may be held irresistible. And yet what is the issue? It is one that leaves the chartered rights of the Order wholly unharmed. It is one that will checkmate all colonising enterprise, all railway projects, all investments in lands, in mines, in fishings, in buildings, &c., throughout Nova Scotia, New Brunswick, Cape Breton, Prince Edward Island, and Gaspé; for what British emigrant or capitalist, in the face of this '*Memorandum and Protest*,' will or can have any security on which he can rely for any outlay of money from its date within these bounds? It is one, further, that will astonish and aggrieve every just and loyal-