

fit to come forward on the other side, the Judicial Committee would probably not have refused to hear them. But although a Counter-petition was got up in the Colony as long ago as the year 1841, it has never been presented to this Department. The time which has now elapsed, and the notoriety of the transaction, have given the opponents ample opportunities of coming before Her Majesty, in Council, to resist the application of the Petitioners. On the other hand, considerable inconvenience may arise from a further postponement of the decision of this question, which affects some important private interests as well as the public rights of the Colony.

If, however, notwithstanding these considerations, Your Lordship should still be of opinion that the interests and the public feeling of Nova-Scotia have a sufficient claim to be heard in this debate, I am ready to concur in Your Lordship's suggestion; and I have only to request that, in calling upon the Legislature of that Colony to appear, by their Agents, in this Country, if they should so think fit, Your Lordship will inform that Body, through the Lieutenant-Governor, that it is the constitutional right, and not the political expediency, of the annexation of 1820, which is now under the consideration of the Council.

I have, &c.

(Signed) WHARNCLIFFE.

The Right Honorable the LORD STANLEY.

[Copy.]

*Council Office, Whitehall, 14th July, 1843.*

SIR,—

In answer to your Letter to Mr. Reeve, of the 26th ultimo, requesting to be informed of the present condition of a Petition from certain of Her Majesty's Subjects, Inhabitants of Cape-Breton, in British North America, I am directed by the Lord President of the Council to state that, if the object of the Petitioners is simply to bring the legal question respecting the Union of Cape-Breton and the Colony of Nova-Scotia before a competent tribunal, there is no objection on the part of His Lordship, or the Executive Government, to a reference of the same to the Judicial Committee.—His Lordship is therefore prepared to move Her Majesty to make such a reference at the next Council, with the understanding that the argument which it may be your duty to bring before that Committee in support of this Petition, will be strictly confined to the legal question raised by the Petitioners; and will not extend to those considerations of convenience and policy which properly belong to another Department.

I am further to apprise you, that whenever the matter of this Petition comes on for hearing, Her Majesty's Attorney and Solicitor General will be directed to attend on behalf of the Crown, to allege their reasons in support of the measure to which the Petitioners object as an infringement of the Law.

I have to request that you will reply to this Letter at your earliest convenience, and that you will transmit to me some more copies of the Petition.

I have, &c.

(Signed) W. L. BATHURST.

G. GATTON HARDINGHAM, Esq., &c. &c. &c.

[Copy.]

*11, Serle-Street, Lincoln's Inn, 18th July, 1843.*

SIR,—

I have the honor to acknowledge the receipt of your Letter of the 14th instant, informing me that if the object of certain of Her Majesty's Subjects, Inhabitants of Cape-Breton, Petitioners to Her Majesty, in Council, was simply to bring the legal question respecting the Union of Cape-Breton and the Colony of Nova-Scotia before a competent tribunal for argument and judgment, the Lord President of the Council

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