

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 will 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 authorized 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 31st, 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 expressed in Your Lordship's Letter of the 12th July, 1843, I have strictly confined the argument to be brought before the Judicial Committee to the question of constitutional right, reserving all the questions of policy for the consideration of Your Lordship's Department. The correspondence with the Petitioners' Agent, of which I enclose a copy, will shew Your Lordship that the parties have acceded to these terms.

This being the present state of the case, and the question being solely to ascertain whether, in the opinion of the Judicial Committee, the Prerogative of the Crown was or was not rightfully exercised in the annexation of the Island to the Province, it appears to me that the intervention of the Legislature of Nova-Scotia ought to be strictly limited to legal considerations, without introducing questions of a political nature, which would widen the field of discussion without bringing any important additional element to assist the decision of the Lords of the Council. For the questions to which Your Lordship alludes in your Letter of the 27th instant, as affecting the Revenues, and more considerable political interests of Nova-Scotia, are not within the scope or intention of Her Majesty's Order of reference to the Judicial Committee.—The vindication of the measure of 1820 rests entirely on the right of the Crown to make the annexation in the form in which it was made, and the question thus stated appears to be between Cape-Breton and the Government of the Mother Country, rather than between that Island and Nova-Scotia.

If the opponents of the Petition, either in Cape-Breton or Nova-Scotia, had thought fit