

Breton, respectively; and that you, the said John Parr, with the advice and consent of our said Councils and Assemblies, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said Province and Islands, and of the people and inhabitants thereof, and such others as shall resort thereunto, and for the benefit of us, our heirs and successors."

An instruction appears also to have been given to the said governor-general of a corresponding date, to the following purport, viz.: "And whereas the situation and circumstances of our Island of Cape Breton will not at present admit the calling of an Assembly, you or our Lieutenant-Governor of our said Island shall, until it appears expedient to call such Assembly, in the meantime make such rules and regulations, by the advice of our Council for the said Island, as shall appear to be necessary for the peace, order and good government thereof, taking care that nothing be passed or done that shall any way tend to affect the life, limb or liberty of the subject, or to the imposing of any duties or taxes, and that all rules and regulations be transmitted by the first opportunity after they are passed and made for our approbation or disallowance."

Further instructions from his majesty to the governor-general of Nova Scotia are found in the following words, viz.: "It is nevertheless our will and pleasure that due care be taken in all laws, statutes and ordinances passed in our Province of Nova Scotia that the same do not extend to our Islands of Prince Edward (formerly St. John's) and Cape Breton, under colour or pretence that our said Islands are included in this our Commission to you and are parts of our Government of Nova Scotia."

The same instructions add further: "And it is our will and pleasure, and we do hereby declare and ordain, that all and singular the powers, authorities and directions in and by this our Commission given and granted to you, so far as the same extend and have relation to our Islands of Prince Edward and Cape Breton and their respective dependencies, shall be executed and enjoyed by you, or the Commander-in-Chief of our Province of Nova Scotia, at such times only as he or you shall be actually upon the spot in either of our said Islands, but that at all other times all and singular the said powers, authorities and directions shall be executed and enjoyed by such persons whom we shall respectively appoint to be our Lieutenant-Governors of said Islands."

*E. Proclamation re-annexing Cape Breton to Nova Scotia.*

"J. Kempt. "A Proclamation by His Excellency Lieutenant-General Sir James Kempt, G.C.B., Lieutenant-Governor and Commander-in-Chief in and over His Majesty's Province of Nova Scotia and its dependencies, etc.

"Whereas his Majesty, with a view to promote the welfare of his faithful and loyal subjects of Nova Scotia and Cape Breton, hath been graciously pleased to direct that the island of Cape Breton should be re-annexed to the Government of Nova Scotia, and the same island should from henceforth be and remain an integral part of the Government of Nova Scotia,

"I do therefore in pursuance of his Majesty's instructions, and by and with the advice of his Majesty's council, declare that the island of Cape Breton is, and from henceforth shall be and remain a several and distinct county of the province of Nova Scotia, to be called and known by the name of the county of Cape Breton, and to be represented, and the civil government thereof to be administered, in like manner as the other counties of the province are administered and governed.

"And in pursuance of his Majesty's instructions I have caused a writ, in the usual form, to be immediately issued, directed to the Provost-Marshal or his deputy, resident in the island, for the election of two members to serve in the General Assembly of Nova Scotia, being the number directed to be summoned to such assembly before the time when the said island was first separated from the province of Nova Scotia.

"And I do hereby, in obedience to his Majesty's commands, dissolve the council of the said island of Cape Breton.

"And that the peace and good order of the said island may be preserved, and justice duly administered therein, until more effectual provision shall be made by the legislature of Nova Scotia, or until further order shall be duly made therein, I do hereby authorize and require that all judges, justices of the peace, constables and other civic officers in commission in the said island, do continue in the execution of their respective offices, agreeably to the several ordinances passed by the governor and council of Cape Breton, and under which the colony, since its separation, has been hitherto administered.

"Given under my hand and seal at arms at Halifax, this ninth day of October, 1820, in the first year of his Majesty's reign, by his Excellency's command.

"RUPERT D. GEORGE,

"God save the King."

DOWNING STREET, JUNE 2, 1846.

"MY LORD,—

"With reference to your Lordship's despatch of the 16th May, with its enclosure, on the question of the legality of the annexation in 1820 of the island of Cape Breton to Nova Scotia, and to previous despatches on the same subject, I have now to inform your Lordship that the petition addressed to the Queen-in-council by certain inhabitants of Cape Breton, praying for the separation of that island from Nova Scotia, having, by her Majesty's