

New Brunswick certain naval stores forbidden, by the 28 Geo. III. c. 6, to be imported into any of those Provinces or Islands. Thus there have been different laws of trade for the two Colonies of Nova Scotia and Cape Breton. And at the date of the Order in Council annexing Cape Breton to Nova Scotia, such differences still existed to a greater extent; for by 47 Geo. III. c. 37 (1807), the 49 Geo. III. c. 49 (1809), and the 58 Geo. III. c. 19 (1818), such ports as His Majesty might appoint within the Provinces of Nova Scotia and New Brunswick were opened at first to certain, then to all American productions in American ships, and at last to the ships and productions of any friendly power. This regulation, which placed Nova Scotia on so peculiar a footing with regard to trade, was in force in 1820 at the time of the Annexation, and could not then be lawfully enjoyed by Cape Breton, as the act already mentioned of 28 Geo. III. c. 6, was never repealed till by the 4 Geo. IV. c. 44, in 1822.

47 Geo. 3. c. 38
49 Geo. 3. c. 49
58 Geo. 3. c. 19.

The Annexation now in question of the Island of Cape Breton to Nova Scotia took place in 1820, and was thus effected:—On the 27th of April in that year, Letters Patent were issued, appointing the Earl of Dalhousie Governor in Chief of the British North American Colonies; and in the Commission for Nova Scotia, on including the Island of Prince Edward (formerly St. John's) and the Island of Cape Breton, there was added, after mentioning the latter ("which we do hereby expressly direct and declare shall in future form part of our said Province of Nova Scotia"); and in the powers of legislation, all mention is omitted of the General Assembly of Cape Breton, the grant of which had till then been recognised and reiterated in all previous Commissions since the first above mentioned to John Parr, Esq. in 1784. A similar omission was made in the Instructions accompanying this Commission to the Earl of Dalhousie; and the following addition was now for the first time inserted, viz. "Whenever you summon General Assemblies for our Province of Nova Scotia, you are to summon and call to those Assemblies such a number of the freeholders and planters of the Island of Cape Breton as were usually summoned to such Assemblies immediately before the time when the said Island was first separated from our Province of Nova Scotia."

Annexation of Cape
Breton to Nova
Scotia, 1820.

Upon this the Lieutenant-Governor of Nova Scotia, Sir James Kempt, on the 9th of October, in the same year, 1820, by orders from Earl Bathurst, then Secretary of State for the Colonial Department, issued a Proclamation at Halifax, Nova Scotia, declaring Cape Breton to be "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 other Counties of the Province are administered and governed." And that in pursuance of His Majesty's Instructions, he had "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." By the same Proclamation the Council of the Island of Cape Breton was dissolved: and "until more effectual provision shall be made by the legislature of Nova Scotia, or until further order shall be duly made thereon," all Justices and other civil officers were commanded to "continue in the execution of their respective offices, agreeably to the several Ordinances passed by the Governor and Council of Cape Breton." It was found necessary to alter the form of the writ which was issued for the election of two members to represent the County of Cape Breton in General Assembly, on account of many persons holding their lands under crown leases: to which exigency the writ was now adapted.

The Lieutenant-Governor of Nova Scotia proclaims the Island of Cape Breton to be a County of Nova Scotia.

In December of the same year the laws and ordinances of that Province were extended to the Island of Cape Breton, by act of the Legislature of Nova Scotia. The Province of Nova Scotia was at that time governed by a peculiar system of laws, which, since the year 1784, had grown up under a separate Legislature, with a view only to the then existing limits of its territory and jurisdiction. The taxes in that Province

The Laws of Nova Scotia enforced in Cape Breton.