

"or by an Order in our Privy Council." It is contended, therefore, that the Commission to Montague Wilmot, of 21st Nov., 1763, gave him no power to legislate for Cape-Breton by means of the Assembly of Nova-Scotia, or if it did give him such power, it was contrary to the Proclamation.

The Legislature of Nova-Scotia, however, did on three occasions attempt to extend their authority over the Island of Cape-Breton, and once over St. John's, or Prince Edward's Island, also. In 1765, (December 10), Cape Breton was made a County of Nova Scotia by an Act of the Legislature of that Province, and empowered to return Two Members to the Assembly. In 1766, an Act of the Legislature of Nova Scotia declared the Island of St. John (Prince Edward's) and Cape Breton to have been, and by virtue of the Proclamation of 1763, subject to all the Laws of Nova Scotia. No Members for Cape Breton ever sat in the Assembly of Nova Scotia, it being found that there were not freeholders in the Island to make an election; and in 1770, Cape Breton was deprived of the right to return members, being then annexed to the County of Halifax, in that Province. It does not appear that any other attempts were made to introduce the Laws of Nova Scotia, or that they were ever enforced over this Island until the year 1820.

In 1769 (14th of July), the Island of St. John (now Prince Edward's) was separated from the Government of Nova Scotia, and erected into a Distinct Government, by the King's Letters Patent appointing Walter Patterson, Esquire, Captain-General and Governor-in-Chief of that Island. This Commission, after reciting that to the Governor of Nova Scotia, and the boundaries of that Province as last above described, revoked the same Commission so far as related to the Island of St. John, and gave the Governor of that Island all the powers of a Captain-General and Governor-in-Chief, and directed an Assembly to be called. On the arrival of Governor Patterson he is said to have found only 150 families on the Island. In 1778 he called there the first House of Assembly.

After the re-conquest of Cape Breton and the destruction of Louisburgh in 1758, the Island appears to have become much depopulated, and remained neglected and almost uninhabited, except by a few Fishermen of French extraction settled on parts of the Coast, (of whom there were in 1772 but 800), until the peace of 1782; after which the influx of American Loyalists led to the Island's being planted by subjects of British origin and to the separate institutions soon afterwards conferred.

In 1784, (16th August), the Province of Nova Scotia was divided by the King's Letters Patent, constituting all the parts, north of the Bay of Fundy, a separate Province, named New Brunswick, and appointing Thomas Carleton Captain-General and Governor-in-Chief in and over the same.

In the same year (3rd September, 1784), Letters Patent were also issued, appointing Joseph Frederick Wallat DesBarres, Esquire, Lieutenant-Governor of Cape Breton and its dependencies, and directing him to "exercise and enjoy the said office of "Lieutenant-Governor of our said Island and its dependencies, with such powers and "authorities, and according to such directions, as are or shall be expressed in our "Commission and Instructions to our Captain-General and Governor-in-Chief of our "Province of Nova Scotia and our Islands of St. John and Cape Breton, now and "for the time being."

Afterwards and about the same time also (11th September, 1784), the Commission of the Governor of Nova Scotia was revoked, and a new one (above alluded to) issued to the same person, John Parr, Esquire, which, after reciting a former Commission to him as Governor-in-Chief of Nova Scotia, including the Island of Cape Breton, and excepting the Island of Saint John (Prince Edward's), "which we had thought fit to erect into a separate Government:" and after further reciting that "His Majesty, in the ninth year of his reign, had been pleased to appoint Walter Patterson, Esquire, to be Captain-General and Governor-in-Chief in and over our Island of St. John, and territories adjacent thereto in America," and had also thought fit to erect "that part of our Province of Nova Scotia, lying to the Northward of the Bay of Fundy,

The Legislature of Nova Scotia claims authority over Cape Breton.

The Island of Prince Edward made a separate Government, 1769.

Cape Breton depopulated until replanted by Loyalists in 1782.

Nova Scotia divided, and the Northern part made a separate Province and Government, 1784.

A Lieutenant-Governor appointed for Cape Breton; 3d Sept. 1784.

New Commission for the Government of Nova Scotia restricts its boundaries exclusively of New Brunswick, re-annexes the Island of Prince Edward to the Government of Nova Scotia, and grants a separate Legislature for Cape Breton, 11th September, 1784.