

strative and legislative powers and privileges, they can neither be annulled, nor impaired by any union of Governments or Provinces, unless with the consent of such Colonies themselves, or the authority of an Act of Parliament.

It is therefore most humbly hoped, on the part of the Petitioners, that the Annexation in 1820 of Cape Breton to the Province of Nova Scotia, and legislative authority of that Province over the Island, may be adjudged illegal, for the following, among other, Prayer.

R E A S O N S.

FIRST.—**BECAUSE** the Island of Cape Breton was, by the Proclamation of 1673, annexed to the Government of Nova Scotia, in the same sense only as the Government of Grenada was by the same Proclamation declared to comprehend also the Islands of St. Vincent, Dominica, and Tobago: and that, as the promise afterwards made by the same Proclamation “to call General Assemblies within the said Governments respectively, “in such manner and form as used and directed” in the other Colonies and Provinces in America, applied to St. Vincent, Dominica, and Tobago severally, no less than to Grenada, so the same promise ought also to apply severally to the Island of Cape Breton, and seems to have been actually so applied and performed to the Island of St. John or Prince Edward, which was annexed to the Government of Nova Scotia by the same sentence of the Proclamation as annexed Cape Breton: such several application of that promise, and its several performance, being only consistent with the manner and form used and directed in the other Colonies, as well in the West Indies as on the Continent of America. Reasons.

SECOND.—**BECAUSE**, if the promise made by the Proclamation of 1763, to call Assemblies in those Governments respectively, be not understood as applying to Cape Breton, yet neither the Annexation of the Island to the Government of Nova Scotia by the Proclamation, nor the including that Island in the Commission to the Governor of Nova Scotia, could or did confer upon an Assembly, already constituted for that Province as it existed before such Annexation, the power of legislating for Cape Breton.

THIRD.—**BECAUSE**, even if by the Proclamation of 1763, or by the subsequent Commission for Nova Scotia, or by any other act of the Prerogative, the Island of Cape Breton had been so annexed to Nova Scotia, as to give its Assembly the power of legislating for the Island, still the Letters Patent of 1784, granting powers to constitute a several and distinct Council, and to summon a several and distinct Assembly in that Island, and by their consent to make laws for it, were authorized by usage and precedents, and were valid and effectual to confer such institutions severally and distinctly from the Province or Legislature of Nova Scotia.

FOURTH.—**BECAUSE** such institutions so conferred upon Cape Breton could not thereafter be revoked or annulled by an act of the Prerogative alone, which had then parted with its power of legislating for the Island, except through the instrumentality of those institutions, and could not therefore confer such a power upon any other person or body politic as the Legislature of Nova Scotia.

FIFTH.—**BECAUSE** the several and distinct existence of Cape Breton as a Colony apart from Nova Scotia, had, between 1784 and 1820, been recognized by several Acts of Parliament then in force, assuming and embodying that distinction, by which Acts Cape Breton and Nova Scotia were in 1820 severally