

“ regulations and restrictions as are used in other Colonies ; and in the meantime, and
 “ until such Assemblies can be called as aforesaid, all persons inhabiting or resorting to
 “ our said Colonies may confide in our Royal protection for the enjoyment of the benefit
 “ of the laws of our realm of England ; for which purpose, we have given power under
 “ our Great Seal to the Governors of our said Colonies respectively, to erect and con-
 “ stitute, with the advice of our said Council respectively, Courts of Judicature and
 “ Public Justice within our said Colonies, for the hearing and determining all causes,
 “ as well criminal as civil, according to law and equity, and, as near as may be, agree-
 “ able to the laws of England, with liberty to all persons who may think themselves
 “ aggrieved by the sentence of such Courts, in all civil cases to appeal, under the usu-
 “ al limitations and restrictions, to us in our Privy Council.

“ We have also thought fit, with the advice of our Privy Council as aforesaid,
 “ to give unto the Governors and Councils of our said three new Colonies upon the
 “ Continent, full power and authority to settle and agree with the inhabitants of our
 “ said new Colonies, or to any other person who shall resort thereto, for such lands,
 “ tenements and hereditaments, as are now or hereafter shall be in our power to dis-
 “ pose of,” &c.

It may be remarked that this Proclamation uses the different words, *Government*, *Province*, *Colony*, and *Island*. An insular Colony in the British Dominions is almost uniformly styled an Island, as the name of the body politic, which in continental Colonies is designated a Province ; the word Colony seems common to both. It is true, indeed, that some dependant Islands which are not bodies politic are also mentioned in the Proclamation, but always with the omission of the word Island, as “ the Grenadines,” or with a qualification of “ lesser,” “ smaller,” or “ adjacent Islands,” as “ the coast of Labrador, and the adjacent Islands ;” and “ that coast, together with the Islands of Anticosti and Madelane, and all other smaller Islands lying upon the said coast.” But insular Colonies are described as “ the Islands of Dominica, St. Vincent, and Tobago.” The clause relating to Cape-Breton is at once an illustration of both these phrases, being “ the Islands of St. John and Cape-Breton or Isle Royale, with the lesser Islands adjacent thereto.” The word Government seems in this Proclamation, and in other public documents hereinafter cited, to be intended to designate a dominion consisting of one or more Provinces or Islands under the administration or authority of one Governor. With this explanation, the word Colony in the Proclamation would be used synonymously with Government only where the Government consisted entirely of one Colony : and the promise of Legislative Assemblies would apply severally to the Colonies mentioned in the Proclamation.

Interpretation of the terms Government Colony, &c., in this Proclamation.

Apart from this explanation, the promise given by the Proclamation to call Legislative Assemblies would appear somewhat equivocal. It might be, and it seems to have been at first doubted, whether one Legislative Assembly was to be convened for all the Islands or Colonies of each Government jointly, or for each and every Colony severally. In the present controversy, however, that question may be taken either way ; for if the promise applied severally, it seems as applicable to Cape-Breton as to any of the other Islands or Colonies enumerated : if it applied jointly, then its having been performed severally in every other instance, proves at least the power of the Crown so to perform it to Cape-Breton, and to endow any portion of the Government of Nova-Scotia, as the Island of St. John (Prince Edward's) was in 1770, and Cape-Breton was afterwards, in 1784, endowed.

Whether it promised Assemblies jointly for each Government, or severally for each Colony.

In effect, the grant of Legislative Assemblies by the Proclamation seems to have been interpreted by the Crown as applying both jointly and severally to the Colonies in every Government. The Commission to Robert Melville, Esq., (granted April, 1764,) appointing him Governor of Grenada, with the Grenadines, Dominica, St. Vincent, and Tobago, commanded him to exercise his authority according to laws thereafter to be made by him, with the advice and consent of the Council and Assembly of the Islands and Plantations under his Government ; and directed him further, according to his discretion, to call Assemblies “ jointly or severally,” within any of the Islands,

It is executed at first both jointly and severally.