

POLITICAL EXPERIENCES IN NOVA SCOTIA, 1867-1869.¹

H. MOODY

THE Canadian provinces of Upper and Lower Canada, of Nova Scotia and New Brunswick were united into one Confederation, and became the Dominion of Canada, on 1st July 1867.

It can hardly be doubted that a union of some kind must sooner or later have taken place: but the immediate cause of its then having been carried out is to be found in the political necessities of the two first named provinces where, owing to several reasons which need not be here described, affairs had come almost to a deadlock. A solution was sought (and happily was found) in the scheme for "confederating" the whole of the North American colonies so soon as the people and legislature of each declared their willingness to throw in their lot with the others.

When the time came for inviting New Brunswick to accept the provisions of the Quebec Scheme—as the draft on which the Act of Union was to be based was called—Mr. Gordon, then the lieutenant-governor of that province, maintained that, as the question was a vital one and had not been "within the range of practical politics" when the existing House of Assembly had been elected, it was desirable that a general election should be held so that the proposed scheme might be put "squarely" before the people. Mr. Tilley, the then premier, was at first very unwilling to adopt this course, and wished to get the necessary vote in favour of Confederation passed by the existing legislature in which he commanded a majority. Ultimately, however, he acquiesced in the governor's view, and a dissolution took place. The result was the return of a very large majority of members opposed to the Union scheme, and a new Ministry was formed in accordance with this policy. This, of course, blocked the measure for the time, and both by the Colonial Office and by the Upper Canadian advocates of the scheme New Brunswick was denounced for her obstructive opposition to the plan from which so great benefit had been expected to redound to Canada at large. In something less than twelve months, however, another general election took place in New Brunswick, consequent upon proceedings which need not be here touched upon; and on this occasion the previous decision of

1. This article is interesting as an inside story of certain incidents in the repeal agitation of 1868 in Nova Scotia. A secretary of Lieutenant-Governor Doyle, looking backward over fifty years, views his own political finesse with complacency.

the people was reversed, the majority in favour of Confederation being curiously similar to that returned in opposition to the measure in the previous year. Of course, the necessary Resolution accepting "the Quebec Scheme" was speedily passed, and New Brunswick's acquiescence in Confederation was constitutionally ratified.

It now rested with Nova Scotia to give her decision. When Mr. Tilley's government were first defeated at the polls, it seemed to Dr. Tupper, the Nova Scotian premier, impolitic and unnecessary to press the question in the sister province. Now, however, that New Brunswick had accepted the principle of union, it became incumbent on Nova Scotia to deal with the matter. For reasons which, no doubt, were in his opinion sufficient, Dr. Tupper decided—and Sir Fenwick Williams, the lieut.-governor, acquiesced in the decision—that no dissolution should take place, but that the existing House of Assembly should be asked to pass the requisite Resolution in favour of the plan. Against this course many protests were lodged, and many addresses were sent in from towns and constituencies in the province, but without avail. The Imperial Government accepted the Resolution as that of the legislature of Nova Scotia, and as such representing the people of the province, and declined to go behind the record. Accordingly the Queen's Proclamation confederating the several provinces was issued, and on the 1st July, 1867, the "Dominion of Canada" came into existence.

The Nova Scotian legislature, however, which had passed the Resolution in favour of Confederation with almost its dying breath, now expired by efflux of time, and a general election became necessary. It took place on 17th September,¹ the same day on which the first elections were held in that province for the House of Commons at Ottawa. The result was startling and dramatic. Of the fourteen² members elected to the House of Commons in Ottawa, Dr. Tupper was the *only one* returned in favour of Confederation, whilst of the forty³ members constituting the local House of Assembly *only two* were in favour of that measure!

The Anti-Confederate party, as they were called, pledged themselves to use every means in their power to release their country from "the hated yoke of Canada". Sir Fenwick Williams, who was about to leave the province, perhaps not unnaturally declined to take any steps towards the formation of a government which would be composed of men averse to the policy which he had all along advocated and who were bitterly resentful of the part which he had himself played. He based his refusal on his

1. 18th September: EDITOR.
 2. 19 members: EDITOR.
 3. 38 members: EDITOR.

desire not to hamper the free action of his successor, Major-General Doyle, who was then temporarily administering the government of New Brunswick, but who had been nominated, and had accepted the post of first Lieut.-Governor of Nova Scotia under the new system. (He was at the time in command of the forces in B. N. A.)

So much for the history of the time before I appear on the scene in Nova Scotia, which I now do.

As Mr. Gordon's secretary and confidant I had, of course, been intimately acquainted with the history of Confederation in New Brunswick. On his leaving the province in the autumn of 1866 I remained temporarily in the same capacity with General Doyle, but in the spring of 1867 I went to Trinidad, at Mr. Gordon's earnest request, to assume the duties of Auditor General etc. Breaking down completely in health, I returned in the autumn to New Brunswick, and was asked by General Doyle to go with him to Halifax as his secretary. This I was unwilling to do, but when he found on arriving there what the state of affairs really was, he telegraphed to me pressing me to go, and I then agreed to do so—at all events for the winter.

The first thing to be done by the new governor was the formation of a Ministry. On Mr. Joseph Howe's advice, he called on Mr. McKeffey, a respectable but not very talented member of the Upper House, to undertake this task. This resulted in Mr. Annand, the clever but sly and unscrupulous owner of the *Chronicle*, being nominated President of the Council and leader in the Legislative Council, while Mr. Martin Wilkins, as Attorney-General, and Mr. Vail, as Provincial Secretary, were the chief members of the government in the House of Assembly.

Most of the Government and of the new House were new men and, in consequence of the better men of both sides having been candidates for the House of Commons, the average status and ability of the Assembly was a good deal below even the standard usual in such small colonies.

The position of the lieut.-governor was not altogether an enviable one, and I confess that the prospect caused me no little anxiety. My chief cared little for, and knew less of, the science of politics, and I was much relieved when I found that he was willing to make over that portion of his duties to me unreservedly and to confine himself to his military and social duties, which latter, by the help of a French cook and his own Irish humour, he was admirably fitted for discharging most satisfactorily.

Either accidentally or intentionally no "instructions" whatever were issued by the governor-general to the new lieutenant-

governors. They were simply appointed, and left to work out the details as best they could, and to find their own level. During all the peculiar difficulties attaching to the position in Nova Scotia I never could elicit either officially or privately any hint, any advice, or even any decision on a disputed question from either Lord Lisgar, the governor-general, or Sir John Macdonald. Perhaps they were right. Certainly they were, for their own sakes, wise. They knew the difficulties; but they elected to let us worry through them as best we could.

One of the first matters that came before me was a formal Memorandum from the attorney-general, gravely advising the governor to order the collectors at Halifax and at all other ports to pay the customs duties into the local treasury! This proposition emanating from our chief legal adviser was so intensely ridiculous that I deemed it best to file it away without comment or notice. The first session, though there was a good deal of bluster and "tall" talking, on the whole passed off comparatively quietly; a delegation being immediately afterwards sent to England to lay Nova Scotia's grievances before the Imperial Government and apply for a rescinding or annulling of the Royal Proclamation creating the Dominion of Canada. The Nova Scotian members of the House of Commons now decided to take their seats at Ottawa at the meeting of parliament. Supposing that they were in earnest in the policy of breaking up the Union, this step always has seemed to me to have been a mistake.

The delegation returned, having, as most of us had foreseen, accomplished nothing. From thenceforward for several months the situation became strained. Meetings were held all over the province, at which inflammatory addresses were delivered, a systematic agitation was organized, the Imperial Government, the Canadian Government, and the Confederate party were abused and denounced without stint, and the whole country was in a ferment. The lieut.-governor, as a soldier, waxed more and more indignant at the disloyal and even treasonable utterances in the press and on the platforms. But it was impossible to do anything. Our policy certainly was to wait, to trust a good deal to time, and to watch for any opportunity that might be given for intervening with effect and success. One gradually came to entertain a suspicion that the leaders were not thoroughly in earnest, that they were shouting to keep up their courage, and that they would not go to the extremities which were proposed. The danger, however, was lest the people, who *were* very much in earnest, should get beyond control and commit some outbreak which it would be

impossible to ignore or overlook. The anxiety with which I had looked forward to the next session was somewhat relieved when I found that the Government intended to propose the sending of another delegation to England. There was a feebleness about this proposal which indicated irresolution on their part, and encouraged me to hope that, after all, our cause would, somehow or other, triumph. Still the feeling in the country was no whit abated, and the tone adopted by both writers and speakers on the Anti-Confederate side was violent in the extreme, often falling hardly, if at all, short of downright treason. Had such language been used a few years before in the Ionian Islands, Sir Henry Ward would have deported the users of it to Cerigotto wholesale, without any compunction. But in this case, even if they had gone further than they did, it would have been as difficult as unwise to proceed against them. So they all went Scot free, and we waited.

Matters were in this condition, and the tension was becoming extreme, when the debate came on in the House of Assembly on the question of sending a second delegation to England. Some of the Confederate papers and speakers had naturally, but from my point of view unwisely, taunted the Government with their disinclination to act up to the fiery suggestions of their supporters, and the question had been asked what they would do next when the Colonial Secretary had again declined, as would certainly be the case, to entertain their proposal for a dissolution of the union with Canada.

The attorney-general, who was a very clever though eccentric man and by far the best speaker in the House, addressed himself to this point in an impassioned Anti-Confederate speech which he delivered in the Assembly. He professed to believe that their cause was so good and their appeal to the Crown so reasonable that it could not fail of success; "but", raising his voice for the benefit of the public in the gallery, "if the Imperial Government should", (he said) "refuse our prayer, we shall then have to appeal to another nation to come to our aid". This produced such a storm of approval and disapproval that the Speaker ordered the galleries to be cleared, and the House was closed. The words, however, had been taken down by the reporters, and currency was given to them in the evening papers.

It had been more than once hinted to General Doyle that he ought to shake himself clear of advisers who were, at least, conniving at disloyalty and treasonable agitation; but hitherto the ministers themselves had been guarded in their language, and I had always assumed, when appealed to, that they did not approve

of the more advanced sentiments of their supporters. But this position was now untenable. I felt that my hand was forced by this move of Martin Wilkins, which it seemed to me to be impossible to ignore. And yet how was he to be called to account, and what would be the result of doing so? To attack him was, under the circumstances, most dangerous; but to leave him alone was to bar oneself from interfering with others, whatever the language they might use or the acts they might resort to. An open collision between the governor and his ministers or the legislature was above all things to be deprecated. Another appeal to the country might have been the death knell of Confederation.

Conscious of all this, I took the evening papers up to the governor, and explained the situation fully. After pointing out the risk run in following such a course, I advised him to call upon the attorney-general, as his constitutionally legal adviser, for an explanation of the words attributed to him. To this he assented, and I accordingly drafted a carefully worded Memorandum which I delivered to Mr. Wilkins in the morning.

Now Martin Wilkins, though eccentric, was a good fellow at heart, and though he had strayed into the Anti-Confederate camp and consorted with questionable companions, he was the son of a Loyalist, and had himself always been loyal to England. So I reckoned somewhat upon his retreating from the position in which he had now placed himself. But I may frankly admit that it was no little relief to me to receive in a few hours a letter from him distinctly disavowing the utterance of the words attributed to him, and professing great indignation at such an unjustifiable imputation upon his loyalty! Now I knew that, as a matter of fact, Mr. Wilkins *had* used the very words that were published in the papers: and everyone in Halifax knew this also. However, his denial was his affair, not mine. I immediately drafted a note to him in the lieut.-governor's name, proposing, with a view to protect his reputation against the damage which this alleged disloyalty would, if uncontradicted, inflict upon it, to publish the correspondence. He not only assented to this, but said that he had intended to do so himself, and begged to be allowed to add some still stronger asseveration as to his unflinching attachment to British connection! The evening papers, at my request, stopped the press until I could supply them with copies of this interesting correspondence, the publication of which produced fully as great an effect as I could desire or had expected.

Rabid Anti-Confederates, who were loudly claiming Her Majesty's attorney-general as an outspoken sympathizer with their

most extreme views, suddenly found they had reckoned without their host. His more moderate friends and colleagues were dumb-founded, not so much at his wishing to escape from the false position, as at the eagerness with which he had eaten his own words and the readiness with which, when he thought that his own safety was concerned, he threw over his friends. From the Opposition press, of course, the poor man got scant mercy. At one word from the governor this blatant demagogue (so they said) had "sunk into his boots." In fact, the bubble had been pricked. It was manifest that all the "prave 'ords" did not mean action; and, what was perhaps more important, distrust and dissension was sown among the leaders.

When sending the correspondence to the press, I took the precaution to send also a copy to the President of the Council for the information of the Government, with a Memorandum pointing out that it had been entirely because of his being one of His Honour's advisers and of holding the responsible office of attorney-general that the lieut.-governor had been compelled to ask for an explanation of the extraordinary words said to have been used by Mr. Wilkins in the House of Assembly; which His Honour was glad to find had been entirely misrepresented; because, if really used as reported, they would have compromised not only the speaker of them, but also (unless repudiated) all his colleagues, and even the lieut.-governor himself. Having done this, I thought I had made my position secure, and complacently felt that I had "scored one" for the governor and for the cause of Confederation. But the end was not yet. When the House of Assembly met on the following afternoon, they sat with closed doors. I presumed that the attorney-general was "catching it"; but no one came out, and I could not get in.

That evening there was a large Ball at Government House. Nearly the first person I met there was Mr. Vail, who came up and said "Well! what do you think of the work the House of Assembly did this afternoon"? I said "I don't know what they did, for they would not let me in". "Oh!" he said, "they passed a vote of censure on the lieut.-governor!" I confess that I realized the gravity of the situation more rapidly than I perceived the best method of dealing with it. But this embarrassment passed off while Mr. Vail, who was excited and apparently rather elated, having taken a decided step and, as he thought, having checkmated the governor and myself, explained that the House had been furious with the attorney-general, and having spent their wrath on him had turned upon the lieut.-governor for interfering

with the privilege of free speech. "As His Honour", Mr. Vail continued, "had not communicated with his Government, we had nothing to say on his behalf, and let matters take their course". He was as much astonished to learn that a communication had been sent to the Council as I was to find that they had never received it; and he immediately surmised that Mr. Annand had suppressed it for purposes of mischief. And this proved to be the case!

Having by this time mastered the situation in my own mind, I said to Vail "I did not know you had all resigned. When were your resignations sent in?" "Resigned"? he said, "we have not resigned! Why should we?" I quietly explained to him that, as I understood the principle of responsible government, the ministers were responsible for the acts of the governor: that, if the latter did ever take independent action, the ministry must defend such action, or relieve themselves from the responsibility thereof by resigning office. In this case, they were in an anomalous and untenable position; for the result of the afternoon's proceedings was that the ministry, by acquiescing in the vote of censure passed upon the lieut.-governor, had constitutionally censured themselves!

This was a view that—strange to say—had not occurred to any of them. Afraid to hit the governor themselves, and very loath to abdicate office, they had foolishly thought they could use the stick of the Assembly for application to His Honour's shoulders. Vail, however, at once saw the awkwardness of the position, and asked me what I thought had better be done. But I said it was not for me to say. His Honour's advisers had got themselves into a hole, and they must get themselves out. We agreed it was no use spoiling our evening over politics, and that we would discuss the situation further after supper.

I then went to the governor, who had just heard from Annand what had happened—"And I told him", he said, "that I'd be d—d if I wouldn't go to the country"! I had already begun to see daylight, but here was a new and most embarrassing danger. To "go to the country" was to bring on a grave crisis. It could result only in a renewed expression by the people of hostility to Confederation and of determination to free themselves from it. We should have had to appeal to their feelings of loyalty: their reply would have been tantamount to a condonation of and acquiescence in disloyalty. The cause of Union would have been lost: the governor's own position would have been untenable—in fact, a general election was the very last thing that I wanted to

see. I felt therefore that I must play my own cards in my own way, even though it involved my repudiating the governor's words.

After supper, therefore, Vail and I met as agreed, and we paced the drawing-room until long after the governor and his guests had all retired. Vail began by enlarging on the strength of his party in the House and in the country—how nothing could successfully oppose the popular will—how the ministers themselves must go with the tide—and how futile an appeal to the country would then be. Then, if they resigned, what could the governor do? The opposition then consisted of *one* member in the House of Assembly, the other one having been unseated. It would be absolutely impossible to form another ministry. "Now tell me", he said, "supposing we send in our resignations to-morrow morning, what will you advise the governor to do?" This was a game of bluff, at which I thought I could play as well as my friend: so I said that I fancied it was hardly worth while to discuss it, as in the first place they did not mean to resign; and next, I could not offhand say what, under such peculiar circumstances, I should advise His Honour to do: but that probably I should ask him to sign a memorandum instructing me to go down in the morning and receive the keys of the provincial secretary, attorney-general, treasurer, and other officers, and do the best I could until other arrangements could be made. It is hardly necessary to say that this was mere bluster on my part: but it answered its purpose. I shall never forget Vail's face and manner when I enunciated this idea. For some seconds he seemed unable to find words—then he burst out that it would be an outrage—it was impossible—it would be unconstitutional. "Yes," I said, "I don't deny that it would be somewhat without precedent, but, as the old Duke said, "the Queen's Government must be carried on". You are the people who can do so in a constitutional manner. If you hold aloof and refuse to do so, we must perforce resort to other means".

It, of course, was obvious from the first that, under existing circumstances, a solution could be found only by one party giving way. Feeling now sure that the Government did not mean to resign, I had more confidence in deciding that the concession should not come from my side. Nor did it, for, after a very long argument, my ultimatum was at last accepted. It was that, first, the obnoxious vote should be expunged from the journals before the public were admitted. Second, that the governor should send down a Memo: expressing his great surprise at what had occurred, and calling for an explanation from his ministers; and third, that some

of them should afterwards call upon the governor and give such explanations of their conduct as they best could. The capitulation was therefore complete.

The composition of this Memo: took, I remember, all the rest of the night before I got it into a shape that satisfied me and met the requirements of the case. The conduct of the ministers had been undoubtedly bad and very mean, and for such they deserved a good castigation—and, indeed, I had frankly told Vail that the Memo: would be very outspoken. But, at the same time that I wanted to place it unmistakably on record that the governor had been strong enough to make them apologize and had been really master of the situation, I had to be careful not to make the pill too bitter to swallow, lest the Council might repudiate my compact with Vail.

However, shortly before 10 in the morning I took my Memo: up for the governor's signature. This was, perhaps, the most critical moment in his official life, or in mine; and very well I remember the whole scene. He was, as usual, unshaven and in his dressing gown, but looking a little more played out than usual from the late hours of the preceding night. Two A. D. C.'s in uniform and his valet were submitting to him the débris of the Ball—a white kid slipper—a pair of gloves—a broken fan—a piece of jewelry—a shawl, etc., etc., for all which articles he was endeavouring to discover owners, to whom he then made up a neat little parcel and addressed a neat little note. In this engrossing occupation time was being consumed. The House of Assembly was to meet at 11. Slippers and artificial flowers had the precedence of me and my business, and it was past half-past ten before I could get the chance of explaining what had occurred and hurriedly reading the Memo: His Honour asked if I thought it was all right, and signed it, without himself reading it over. In the course of the day Messrs. Vail and Annand came up to Bellevue House, reported that the Resolution had been expunged from the journals of the House, and said what they could in explanation of the conduct of the Government.

And so ended this curious crisis. The governor and myself remained on very good terms with the Assembly and with the ministry. The latter, of course, did not resign: but their reputation, as well as the attorney-general's, with their party was shaken; the bubble was burst; and we heard little more of disloyalty and annexation to the United States. In a few months' time Howe and McClellan accepted seats in the Dominion Government, and all immediate danger from the Anti-Confederate

agitation had passed away. The lieutenant-governor very complacently received the congratulations of his friends on his successful little *coup*, which I think he to this day believes to be due to the prompt vigour with which he declared that he would "go to the country". But so little did he appreciate the character or the danger of the position in which he had been placed that, in the following session, he suggested to me that the Speaker of the House should be called to account for some expressions used by him in Committee and which His Honour considered offensive! To this suggestion I, of course, did not assent. To have been through such an awkward crisis once, and to have got out of it without damage, was quite enough for me. For, in thinking over the situation at the time and subsequently, I have never been able to satisfy myself as to what course could best have been adopted, had the attorney-general, or the ministry, or the Assembly stood their ground. And yet I do not see how Mr. Wilkins's words could have been ignored by the governor: and in this view all those with whom I subsequently discussed it concurred, though no one could point out what could have been done had the attorney-general not beaten a retreat. Sir John Macdonald told me long afterwards he thought I had risked a good deal, but he admitted he could not suggest any other course. No one knew the risk better than I did!

After this passage of arms I crossed swords only once again with any of the ministers. The occasion of this was the introduction into the House by a private member of a Bill for preventing the militia being moved from the province. This was a feeble hit at the Dominion Government that was more foolish than hurtful. I pointed out to the attorney-general that it was a subject beyond the powers of the Local Government; but he treated it as a joke, and said the Bill would be thrown out "upstairs". But it passed the Council, and then at the close of the session it came to the governor for signature, accompanied by the usual certificate of the law officer that it was constitutional and ought to be assented to. His Honour argued that he must act on the attorney-general's advice. I demurred to his doing so; and at last, by demanding a categorical reply to the questions "Was or was not the Militia one of the matters expressly reserved for the Federal Government? If so, was it not *ultra vires* for the Local Government to deal with it?" I extracted a reluctant admission from the attorney-general that such was the case, and on the strength of that I induced the lieutenant-governor to take the responsibility of reserving the Bill for the governor-general's pleasure. Although this step was

taken without the sanction of the Government, not a word was ever said about it; and the Bill, of course, remained a dead letter.

The rest of my political life in Nova Scotia was very uneventful. The Anti-Confederate agitation still occasionally flickered, but it caused no uneasiness, and though the sore feeling still existed, and, though the people and ministry studiously insulted Lord Lisgar when he visited the province as the first governor-general over that part of the Dominion, there was practically no more trouble. When the lieutenant-governor; who for his distinguished *political* services had become Sir Hastings Doyle, K.C.M.G., vacated his appointment, men of all parties throughout Canada declared—and possibly believed—that Nova Scotia had never been blessed with a governor who had shown such tact and ability in dealing with political questions or had given such good dinners, and so he returned to England full of honours.