

# THE NOMINATION OF CANDIDATES IN NOVA SCOTIA.

By J. MURRAY BECK

NOVA Scotia's pioneer election campaigners found it difficult to make their candidature known to the public and to demonstrate that they possessed substantial support among the electors. In the absence of other media of communication, they resorted to the newspapers, filling columns of print with that form of electioneering bait known as the election card. If these cards are an indication, the candidates of the early nineteenth century were somewhat deficient in imagination. For, as the *Yarmouth Herald* once observed, the cards exhibited striking uniformity in content and phraseology — always the candidate's profession of "the most sincere and disinterested desire to serve the public;" always his declaration that he had "reluctantly come forward only after being solicited by numerous friends and freeholders;" and always his assurance that "if returned, he would do all he could to promote the best interests of his constituents."

Sometimes the mercantile and business interests of Halifax chose to place their *imprimatur* upon candidates in a different way. In 1820 they assembled at the Exchange Coffee House and chose their own slate for the sprawling County of Halifax (it then included what are now Colchester and Pictou counties). Nothing daunted, a rustic from Stewiacke — one Samuel Tupper — presented himself at the hustings in opposition. Great was the glee of the *Acadian Recorder* over the failure of the merchant oligarchy's illiberal and unfair tactics; it was fitting retribution for "a party expressing an authority over the opinion of others which the law does not warrant."

Yet, with the appearance of genuine political parties, the party meeting — though of another kind — became the standard device for nominating candidates. In 1840 both the Tories and the Reformers held such meetings in Halifax, and the *Novascotian* gloated because the Reform gathering numbered six hundred in contrast with the Tories' one hundred. Three years later the Conservatives first secured a snap dissolution of the Assembly and then requisitioned the High Sheriff of Halifax to call a public meeting, hoping to catch the Liberals by surprise and to have their own candidates given an apparent stamp of approval by the whole constituency. Joseph Howe's unexpected return to the capital foiled that manoeuvre. By 1847 the party

lines had been sharpened to an unprecedented degree, and in that year's crucial election the candidates were for the most part nominated by public meetings. Howe's role during his grand tour of the province was, in fact, that of chief speaker at a series of Reform nomination gatherings.

Election cards and party meetings were, of course, purely extra-legal devices. The Simultaneous Voting Act of 1847 brought substantial changes in the legal mode of nominating candidates. Hitherto the statutory law had been anything but explicit in this regard. It had enjoined the sheriff — who was *ex officio* the returning officer — to appear between ten and twelve a.m. of the date prescribed for the opening of the poll at the most central and convenient place in the county or township, to read the writ of election, and to swear in two clerks as his electoral assistants. But it said nothing about how a prospective Assemblyman was to have his candidature officially recognized. By custom one elector moved his nomination, another seconded it, and the candidate himself followed with a speech extolling his own fitness for high office. By law his property qualifications might be questioned, and in that case he would take the prescribed oath of qualification. On the completion of these formalities voting started. In the larger counties the poll would later be moved to other centres in turn.

The Simultaneous Voting Act, by providing that all Nova Scotians should vote on the same day and in the polling districts which contained their freeholds, made it necessary to fix a time prior to the date of polling for receiving nominations officially. In future, the sheriffs were to hold their nomination courts one week before election day, opening them between 10 and 12 a.m., and closing them at 4 p.m. Also it was stipulated that a candidate had to be proposed by two freeholders. The old provisions which required the candidates themselves to remunerate the election officials were continued unchanged. Thus, as soon as the candidates for Halifax were nominated in 1847, the sheriff "demanded for costs and expenses the sum of £110, which was immediately planked [down] by the Candidates according to their respective proportions, viz.: £15 10s. from each County candidate, and £6 1s. 3d. from each Township candidate."

Basically these legal procedures for making nominations remain, although there have been some changes in detail. After 1875 the government remunerated the returning officers and their assistants, and each candidate paid \$50 towards the general costs of the election. When, in 1884, the province assumed the whole

costs of the election, it required a deposit so that the contest would be confined to genuine candidates. Today their nomination papers must be signed by two qualified electors and accompanied by a deposit of \$100. In accordance with the usual practice, any candidate who polls at least half the number of votes cast for a winning candidate is refunded his deposit. In 1928 a Conservative government decided that persons other than sheriffs might be returning officers; obviously it was not satisfied with having elections directed by officers appointed for the most part by previous Liberal administrations. Finally, in 1941, nomination day was fixed at fourteen rather than seven days before election day.

With these exceptions, the changes in nomination procedure since 1847 have been conventional and invariably associated with the goings on within the extra-legal political parties. The sponsors of the Simultaneous Voting Act hoped that the division of the counties into polling districts and the limitation of polling to a single day would tend to diminish excitement and to preserve harmony; Howe thought it might result in "a Grog Shop and a Fiddler" at every polling place. The optimists were right, and except in the West Branch of River John, where a group headed by the half-negro bully Black Sam chased their opponents into the woods, the election of 1847 passed off quietly. The succeeding elections were equally free of violence. Yet what the Act had really done was to separate the times of polling and nomination, and the public, not to be denied its simple pleasures, henceforth expressed itself uninhibitedly on nomination day rather than during the actual polling. The *Acadian Recorder's* comments upon the nomination proceedings in Halifax in 1847 provide one illustration:

From some cause or another, for of its origin several versions have been circulated, a collision between the coloured people with the Tory badges, and the Liberals arose. The *melee* was frightful. Such racing and chasing, flying of missiles, crashing of windows, thumping and striking with fists and clubs, levelling of combatants, wounded heads and faces, as were the consequences in a few minutes, never occurred in the most violently contested elections in Halifax, within our knowledge.

Actually the law did not require open nomination courts, and the sheriffs, in permitting them, were simply recognizing a custom of many years' standing. When, in elections of far less consequence than that of 1847, nominations continued to

be made amidst scenes of turbulence, the Legislature asserted its authority, although in a peculiarly circuitous manner. In 1870 the Assembly passed a bill adopting the secret ballot in provincial elections. To it the Legislative Council added a thoroughly irrelevant amendment which forbade the sheriffs to hold a public meeting in conjunction with the official nomination court. As a result, the next nomination day — May 7, 1871 — passed off without incident in Halifax. At the time the *Morning Chronicle*, a bit nostalgically perhaps, called it a tame nomination because "some ardent spirits did not get up a scrimmage," and because "rival candidates meeting face to face before the people [did not] manage to have an exciting time."

Yet Halifax was almost unique in the disappearance of these phenomena. Almost everywhere else the parties continued to hold unofficial joint meetings after the formal nomination proceedings had been concluded in the quiet of the sheriff's office. The change in the law (also in 1870) which required a candidate's papers to be presented by two rather than by four p.m. facilitated this development. So thousands gathered at the county towns on nomination day for an afternoon of speeches, sport, excitement, and, not infrequently, heckling. This continued until the late 1930's when the boisterous nature of the meetings and the wartime restrictions on gasoline led to their wholesale elimination, and also to the removal of much of the zest from the election. Today joint debates survive in only one or two Cape Breton counties, and in Inverness alone are they as much a part of politics as the ballot. The contentious eighty-five minute spectacle at Port Hood on October 16, 1956, was made still more colourful by the presence of armed deer-hunters.

The other conventional alterations in nomination procedures have been closely associated with changes in party organization which were, as usual, designed to enable the parties to realize their primary objective of winning elections. The manner in which the parties select their candidates is, indeed, the most significant part of the whole nomination process, because only two or three M.L.A.'s without a recognized party label have been elected since 1878. The conversion of the somewhat casual party meeting of the 1840's into the highly organized convention of later times occurred in stages and by no means uniformly throughout the province. Until the 1880's election cards were still common, although the candidate now described himself as the choice of a large and representative meeting of the electors. Occasionally requisitions were also associated with the party meetings. Sometimes a number of voters would requisition a

prospective candidate to allow his name to go before the party meeting; more rarely he would be presented with a formal requisition after the meeting had concluded its deliberations.

During the 1860's the newspapers now and then referred to those who attended the nomination gatherings as delegates. This means no more than an attempt to create the obviously false impression that a party's nominations had been made by a truly representative gathering. For, in the absence of any real organization, the mode of convening the nomination meetings could be nothing but crude. The usual practice was for the unofficial party leaders in the shire towns to circularize their friends in the outlying polling districts shortly after the issue of the election writs. On April 14, 1871, R.N. Henry, Jr., wrote to the leading Conservatives in Antigonish County: "Our friends propose to hold a meeting here on Wednesday next, and my father [a prospective candidate] will be there. If you can arrange to be here at that time, and get a few more of our leading friends to be there with you, it would be well."

That same year the Conservatives of Pictou introduced an innovation which permitted the term *delegate* to be used with somewhat more validity. All those in attendance at the nomination meeting from a specific polling district chose one person from among themselves — a *delegate* so-called — to sit on the committee which proposed the candidates. In the federal and provincial elections of 1874 this practice was extended to other counties, and in 1878 it was a commonplace.

The election of 1871 was noteworthy for a second reason — an occasional reference to the nomination gatherings as conventions. By 1878 this American importation was in common use; in 1882 it was employed almost exclusively. Yet *bona fide* conventions could be only a myth so long as organization was non-existent except before elections.

The red-letter day for party organization was February 4, 1878. On that date the Liberals, worried by their loss of strength in a federal byelection during the preceding month, set up the Reform Association of Halifax. For the first time a Nova Scotian party organized itself on a permanent basis not only at the county level, but also at the ward and polling district levels. As a result, the Liberal nomination gathering which met on August 13, 1878, to choose the party's candidates in the forthcoming federal and provincial elections could introduce a significant innovation. A convention consisting solely of delegates accredited by the organizations in the wards and polling districts selected the party's candidates in an inner room, while the

members of the Reform Association and their friends gathered in a larger outer room to await their determination. Liberal journals exulted in the representative character of the convention and contrasted it with Tory procedures in the same county:

The wire pullers get together in some garret in the city and cook up their ticket. Then as a matter of courtesy, or rather as a matter of form, they invite gentlemen to come in from the rural districts. The next step is to receive all these gentlemen very cordially, tell them they are the 'bone and sinew of the country,' etc. Then they produce their cut and dried ticket and begin to vote upon the names. At the mention of each name they set up a cheer. The representatives of the rural districts have no organization, and no unity of aim. They join in. All goes on smoothly . . . . What a farce!

Four years earlier, in July, 1874, the Conservatives of Halifax had themselves established a Liberal-Conservative Association under the urging of Charles Tupper. His argument was that a party without organization tended to be a scattered lot of individual atoms, kept in position only by the newspapers, which could not pretend to reach all. As usual, he was derided by the *Acadian Recorder*:

Alas poor old Conservative party, have you come to this? A few old lifeless fossils meet together in a little dove cot or Cat's Castle and adopt a string of meaningless resolutions; publish them in the *Colonist* and thus hope to ride triumphantly back into their position of pristine glory. Nay, nay, so long as this universe is governed by immutable laws, such things can never be. When water learns to run up hill, when sunrise brings darkness, when bodies unsupported cease to fall to the ground, then indeed, may such men as Dr. Almon and the like ilk lead a political party to victory.

The Association could boast, none the less, that its specific direction of the election in Halifax and its general oversight over the provincial campaign had contributed materially to the party's electoral successes in 1878.

Yet in one sense the *Recorder* was right. The Association had done little to build up an organization at the grass roots. Between 1878 and 1882, however, this deficiency seems to have been remedied, for, on May 25, 1882, the Conservatives were able to hold the same type of convention at the Lyceum in

Halifax as their opponents had convened four years earlier. Its rules were simple but explicit: "Polling districts will be entitled to send two (2) delegates for every polling sub-section in each district. Delegates must be electors in the polling section they represent, and be furnished with certificates from their respective districts."

In the other counties similar conventions awaited the building up of county and local organizations on a firm basis. This development occurred at varying speeds during the next two decades and depended in the main upon local factors. In the case of the Liberals, however, a great spurt in organizational activity followed the visit of Laurier, Davies, Fisher, and Choquette to Halifax on December 18, 1890. On that day the Nova Scotia Liberal Association was formed to manage "such portions of the business of the party as concern the province at large rather than particular counties." Those in attendance were strictly enjoined to build up the local organizations, and within two months county associations were set up in Richmond and Guysborough for the first time.

To all appearances the Conservative county and local organizations came into being somewhat more slowly. The Liberal-Conservative Association of Cape Breton County was constituted on January 27, 1887, and a similar organization existed in Colchester at about the same time. But the county organizations remained so weak in some places that as late as July, 1896, the *Halifax Herald* declared them "not fit even to choose delegates to a general convention." Two months later Sir Charles Tupper, who had recently lost the Canadian prime ministership to Laurier, arrived in Halifax to perfect the party's organization. The outcome was the founding, on October 16, 1896, of the Liberal-Conservative Union of Nova Scotia, the forerunner of the Nova Scotia Conservative Association. With it went an attempt to constitute county associations where they were non-existent.

Theoretically it had now become possible for both parties to have their candidates chosen in convention by duly accredited delegates from the polling districts within the constituencies. Normally such elaborate machinery is unnecessary since contested conventions are the exception rather than the rule. The minority Conservative party has, in fact, sometimes found it difficult to secure any candidates at all in the counties with strong Liberal leanings. During its lowest ebbs, its organization at the polling district level has been practically non-existent in some ridings. If that state of affairs persists as the party's fortunes rise, the situation is fraught with danger. In many

constituencies, it means the selection of candidates by public meetings and the introduction, according to the politicians, of all the evils of the American open primary. In recent years one such meeting selected as a federal candidate a person hitherto unconnected with the party and barely acceptable to the party faithful; another meeting is alleged to have chosen the weaker of two candidates on the vote of Liberals who deliberately sought to wreck their opponents' chances. These incidents afford further proof that the extra-legal conventions and practices surrounding nomination procedures are infinitely more significant than legal stipulations.