
NOVA SCOTIA'S GREAT CENTENARY

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THE year 1848 in Europe has been noted for the number of its short-lived revolutions, accompanied by futile bloodshed; but in that year a permanent revolution took place in Nova Scotia, without shedding a drop of blood or breaking a pane of glass. This revolution was the final achievement of responsible government by the democratic reformers of a politically mature colony, and the consequent regeneration of the British Empire.

To us who have never known any other form of government, it is difficult to realize how passionately our ancestors fought for this great boon, or how sharply the protagonists of both the new and the old systems of colonial government were divided on the issue. Many of this generation, I fear, if they think of it at all, wonder, like Old Kaspar, what they fought each other for; and are in doubt as to the obvious difference between representative and responsible government. All of us, therefore, could profit much by reading and reflecting upon the political debates of a century ago; and should be impressed by the adult thinking of those Nova Scotians who wrought this fundamental change in the spirit of our constitution, by convincing the Imperial authorities that the representatives of the people of Nova Scotia were the only ones who could give adequate advice to the Crown on the internal affairs of the colony, and that they could be trusted implicitly to preserve the British connexion.

This is the significant aspect of their achievement, as neither representative nor responsible government, the latter the logical outcome of the former, was an end in itself, but the surest means to a great end: the fullest possible development of local talent and local resources, untrammelled by imperial patronage, cultural and religious privilege, or economic exploitation; but paradoxically engendering an eager desire for imperial partnership, because it made freedom compatible with allegiance.

If, as Burke has said, "Government is a contrivance of human wisdom to provide for human wants," it follows that the form of government which an enlightened Mother Country gives to a colony in its infancy must be adapted to its growing needs; and that, when the inhabitants of a colony have become sufficiently adult to define the form of government which will enable them best to satisfy their wants, it is a mark of enlightenment to concede willingly what the occasion demands.

In this instance, such a happy conjunction of circumstances occurred; and the revolution was effected in a spirit of mutual confidence and cooperation. Though in the early stages of its evolution Nova Scotia had two mother countries, England and New England, and both had cooperated in establishing representative government, it was the British rather than the American device for securing control over the executive government that the reformers of Nova Scotia demanded and finally obtained; not because the local agents of Imperial Policy, the family compacts, in defending their monopoly and privilege, accused them of disloyalty and tried to find shelter under the Royal Prerogative; but because they regarded it as their rightful heritage as British freemen, and could be content with nothing less. It is true that in 1834 a minority of the representative assembly supported a resolution in favor of the American principle of an elective council, and that in his "Twelve Resolutions" Howe offered it as an alternative means of obtaining responsibility of the council; but that was before the executive and legislative functions of the old council had been separated; and it seemed to be a possible way of obtaining control over the policy-making body. After the council was reorganized and separate executive and legislative councils created, no reformer sought any other solution of the problem than the British device of securing a change of ministry or executive council, whenever the representative branch of the legislature passed a vote of want of confidence in it. When this principle had been accepted by the Imperial authorities responsible government was won, and Nova Scotians were free to justify the faith that was in them, while rejoicing that they still remained within the great stream of British tradition. In his letter to the Right Hon. C. B. Adderley, M.P., 1862, Howe fittingly expressed this Nova Scotian point of view, when he referred to the advantages of being part of the great British Empire, with its freedom of religion and missionary effort, its noble schools of law, its pure judicial tribunals and the free flow of precedents and decisions, its freedom of trade and wide field of competition or emulation in literature and the arts. He concluded this part of his plea for keeping the empire united with the following eloquent passage: "How charming is it also for the emigrant, pioneering in a new country, too young to have produced a picture or a book, to read Tennyson or Burns, by his campfire at night, or to look at Landseer's dogs over his mantelpiece in the morning, conscious that he can claim

kindred with the artist and the author, and that the ballad and the engraving link him with treasures of literature that are inexhaustible and of art that can never die."

II

Prior to 1749, when the British government decided to take effective possession of Nova Scotia, the colony had been half-heartedly administered by a governor and council alone, but in that year both the commission and the instructions of Governor Cornwallis had assumed that a representative assembly would be summoned at the earliest opportunity. The governor and council were regarded as the agents and exponents of Imperial policy and the guardians of the Royal prerogative, while the members of the assembly, elected by the freeholders of the colony, were to express the needs of the inhabitants and, when possible, to provide the revenue out of which local needs could be met.

At first, the governor and council exercised all three functions of government: executive, legislative and judicial; but by 1754 their duties as a higher court and a court of appeal had been taken over by a supreme court; and in 1758 they had to share their legislative functions with the representatives of the people when, under pressure from both the New Englanders in Halifax and the Board of Trade in London, Governor Lawrence was categorically instructed to summon an assembly. Henceforth, all legislation was to be enacted by governor, council and assembly: the council sitting as a second chamber, without the governor, thereby leaving him free to assent or dissent to any bill that had passed the other two branches of the legislature. But the governor and council still maintained a monopoly of the executive functions of government, without accountability to the representative assembly. Though the council repeatedly vetoed bills, which had been passed by the assembly and carried out policies to which the majority of the assembly were opposed because its members held office for life, they could not be displaced or removed except by death or departure from the colony, and because it was composed of the chief justice, provincial secretary, collector of customs and other officials who drew their salaries from sources that were not under control of the assembly, or of men of wealth and influence resident in Halifax, it was still further independent of the assembly and could ignore the resolutions of the people's repre-

sentatives with impunity. It was this defect of the constitution, therefore, rather than defects in the character of individual members of the council, which led the reformers to accuse it of being "irresponsible," and to seek some remedy whereby it could be constrained to carry out the well understood wishes of the people.

Their problem was complicated by the fact that, while in theory the council only shared executive and legislative powers with the lieutenant-governor, they were able to exercise a dominating influence over him, because of their longer tenure of office and greater familiarity with local conditions; and thereby to make it impossible for the colonial office also to exercise any effective supervision over the colony, as the judgments of the colonial secretary had to be based upon the highly coloured accounts of the lieutenant-governor. Anyone who has read even half a dozen of the despatches exchanged between Nova Scotia and Great Britain at this time will have heard the echoes of the governor's original despatch in the reply of the colonial secretary; and the more one reads the more one must feel that Howe and Buller were right in ridiculing the smug theory of the transient colonial secretaries that they rather than the local councils were governing the colonies.

Two years after the executive and legislative functions of the old council in Nova Scotia were separated, the reformers attempted to localize responsibility by passing a vote of want of confidence in the new executive council; and, when Lieutenant-Governor Campbell expressed himself as satisfied with his council, by asking for his recall on the ground that he was not carrying out his instructions to administer the government in accordance with the well understood wishes of the people.

Lieutenant-Governor Campbell was recalled but responsible government was not conceded: for his successor was expected to form a government in which he himself would be virtually prime minister and held accountable to the colonial office for maintaining the support of a majority of the assembly. This was a half-way house on the road to responsible government but no more, as the colonial secretary still insisted that the British principle of cabinet government was suitable only for a metropolitan community; and Lord Falkland endeavored to constitute his council of members of all parties without being willing to recognize that any parties as such existed. But in attempting to do this he found that the more uncompromising reformers were dissatisfied with the progress that had been

made towards responsible government, that the Tory members of the coalition gave only lip-loyalty to the new principles, and that there was a third "party," consisting of those councillors who had been displaced by the reorganization of the Council and their relatives and business associates in Halifax, which was bitterly opposed to his policy and leaving no stone unturned to regain its powers and privileges; and early in 1843, when the coalition council was divided on educational policies, Lord Falkland informed the colonial secretary that he had been warned by J. B. Uniacke that the Tories were planning to form a party government, and added that this "third party" was very active in their interest. He suggested that he might carry on for another session, during which the principles of colonial government could be discussed; and, if the next election should prove decisive, he would have to accept the decision of the electors and call upon the dominant party to form a government.

Had Falkland adhered to this policy, he would have won the undying gratitude of Nova Scotians and been spared the ignominy of his last years in the province and of his stealthy departure from it. But, apparently he was persuaded that an early election would bring victory to the Tory party and restore him to favor with the third party, and he dissolved the legislature and appealed to the electorate in the autumn of 1843. Apparently also he was assured that the Tories had won the election when he appointed M. B. Almon to his executive council, although he was not a member of the assembly but had been very active as a member of the "third party" in support of the Tory candidate, A. M. Uniacke. It was this breach of faith with the reformers that led to the resignations of J. B. Uniacke, Howe and McNab, and was followed by injudicious public correspondence, in which Falkland contended that they had no grounds for resignation nor right to resign, as he had appointed "Leader" Johnston's brother-in-law merely to show his confidence in that gentleman for being willing to carry on a non-party government.

From this time forward the consolidation of parties was inevitable. Falkland made two futile efforts to complete his council: the first to persuade the members who had resigned on principle to return under humiliating restrictions upon their freedom of action; the second to increase the council to twelve, excluding Howe; and finally, after a bitter controversy between his champion, Dr. William Henry, P.M.O. of the gar-

ri-son, who wrote under the pen-name of Scrutator, and Howe, who returned to the editorial chair and pelted Scrutator, Falkland and his rump council with all the prose and verse in his rather formidable arsenal of democracy, he asked to be transferred to a happier clime. His blunders united the reformers as nothing else could have done, while the letters and speeches of Howe, J. B. Uniacke, Huntington, Doyle and the Youngs clarified the issues beyond all doubt: so that even the friendly overtures of Sir John Harvey, whom the reformers had praised highly for his recognition of a new spirit in the colonial office at the time of Sir Colin Campbell's recall, could not induce one of them to enter a new coalition. They insisted upon bidding their time until an appeal should be made to the electorate for a final decision.

This election came on August 5, 1847, and, though the reformers did not know until after the new assembly had met and defeated the government that the colonial secretary had instructed Sir John Harvey to constitute his new council from the party having a majority at the polls, they rolled up a clear majority against the old council which had all the patronage of government at its disposal.

On January 22, 1848, the new assembly met; on the 24th, J. B. Uniacke moved an amendment to the address in reply to "the speech from the throne," that "the present executive council does not possess that confidence so essential to the promotion of the public welfare and so necessary to ensure to Your Excellency the harmonious cooperation of this assembly." The debate lasted two days; and the amendment was carried by a vote of 28 to 21. On the 27th the executive council resigned, and the lieutenant-governor asked Mr. Uniacke to form a government, without any restriction on his choice. On February 2, 1848, the new council took the oaths of office, and the first colonial cabinet entered upon its duties of inaugurating the system of responsible government.

It should be noted that this vote of want of confidence had been carried by a majority of only seven (28 to 21) but was successful, whereas that of 1840 had been carried by a majority of eighteen (30 to 12) and had failed in its immediate object, although it did lead ultimately to the recall of Sir Colin Campbell and to Falkland's unhappy experiment with non-party government. The reason for the difference in the effects of the two resolutions is to be found in the different attitudes of the colonial secretaries and their agents, the lieutenant-

governors. The constitutional device employed by the reformers in both instances was the same; but in the first instance the principle of responsible government had been denied, and in the second it had been conceded.

III

From this summary account of the constitutional history of Nova Scotia, it may be seen that Nova Scotians had enjoyed representative government for 90 years before they obtained responsible government, and that the difference consisted in the relative influence that the representatives of the people could exercise over the constitution and behaviour of the executive council, or policy-making body. Throughout this period they had made good their claim to the right of appropriation of all revenues raised by themselves, had been able to bring all but the casual and territorial revenues of the Crown under their control, and had effected considerable improvement in the general condition of the people by persistent attacks upon the religious, educational and economic inequalities or privileges which were fostered and defended by the council; but so long as they had no voice in the selection of councillors, or no means of holding them accountable for the advice which they gave to the lieutenant-governor, they lacked responsible government.

The device which they finally adopted to secure their effective control over the executive council was a device which the British parliament had been perfecting for more than two centuries before they consented to have it adapted to colonial uses. The idea was embodied in the prayer of the petition which accompanied the Grand Remonstrance of the House of Commons to King Charles I in 1641: "That Your Majesty will likewise be pleased to remove from your council all such as persist to favour and promote any of those pressures and corruptions wherewith your people have been grieved; and that for the future Your Majesty will vouchsafe to employ such persons in your great and public affairs, and to take such to be near you in places of trust, as your Parliament may have cause to confide in;" and though this petition did not bear fruit immediately it was this principle which, through the evolution of cabinet government and despite the reactionary efforts of George III, finally became a permanent device of the British House of Commons for maintaining control over the composition and policy of the executive government.

During the Revolutionary and Napoleonic wars, the British parliament had not taken an active interest in colonial administration and, when they did re-enter the field, they were slow to see that a principle so cherished at home could be applied to a dependent colony. In his "Twelve Resolutions" and "Letters" to Lord John Russell, Howe had illustrated in great detail the weaknesses of the old irresponsible council and the helplessness of the lieutenant-governor in its hands, as well as the speciousness of the plea that the colonial secretary could exercise any adequate supervision over the internal administration of a colony; and in his "Report". Durham had indicated the crux of the problem and the simplicity of its solution, as follows: "I would not impair a single prerogative of the Crown, on the contrary, I believe that the interests of the people of these Colonies require the protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the government in unison with a representative body, it must consent to carry on *by means of those in whom that representative body has confidence.*" But eight more years were to pass in futile half-measures before the colonial secretary was finally convinced of the truth of Durham's assertion, that the "internal government of the colony" should be placed "in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them." Only then did the colonial secretary pen the famous despatch of March 31, 1847, which revealed his definite acceptance of the principle of responsible government: "that system of parliamentary government which has long prevailed in the mother country, and which seems to be a necessary part of representative institutions in a certain stage of their progress."

Had this despatch been published then, as it should have been, Nova Scotians could have rejoiced in their great achievement almost a year earlier; but it was not; and the reformers had to fight the election of August 5, 1847, without definite knowledge that a victory at the polls would lead to a complete change of government or to another attempt to form a coalition, although they were determined never to enter another and they knew that, if given a majority, such a stand would ultimately compel the lieutenant-governor to form his administration from their party alone. Having won the victory at the polls,

they had to wait five months until the legislature met and they heard of the despatch in the "speech from the throne"; and as Howe said in speaking to the vote of want of confidence, "I will not anticipate the contents of Earl Grey's despatch, but I shrewdly suspect that if the elections had gone against us, the people of Nova Scotia would never have seen it."

As a matter of fact Howe himself must have anticipated its contents before the election, for in his "Letter to the Freeholders of Nova Scotia," on May 4, 1847, he said:—"The two parties present themselves before you at this moment claiming your suffrages. Both admit that your decision upon their conduct and their principles must be final."

This was the underlying assumption of the despatch, and when the final decision of the electors had been recognized by the formation of a new ministry, in accordance with this despatch, the reformers were justified in feeling that the battle of the constitution had been won and that Nova Scotians now had the means of self-realization in their own hands. Though the credit for this achievement must go to the reformers its benefits accrued to all Nova Scotians, tory and reformer alike. Both were now free to build their political platforms of local timber, secure in the knowledge that, if they could win the confidence of the electorate, they would have the right to implement their policies immediately, and to hold the reins of government as long as they maintained the confidence of a majority of the representatives of the people; for, to repeat myself, responsible government was not an end in itself; but a means to whatever end the genius of Nova Scotians should direct, as new problems should arise and new alignments of parties should be formed to solve them.

Such is the significance of the achievement of responsible government. Though not an end in itself, it was the natural end of representative government in the true British tradition; and in the words of Howe, the Nova Scotian who above all others recognized this goal clearly and led his fellow-countrymen to it, "The distinction is marked. The change presents the evidence of a revolution as great as ever appeared in the history of any country—a revolution won for you without a blow or a drop of blood, by peaceful and constitutional means, and which conferred upon you privileges analogous to those which our brethren in Britain have exercised with so much advantage for the last hundred and sixty years."