

per cent of the total population and 13.7 per cent of the urban population of the three provinces it contributed 31.6 per cent of the total and 22.8 per cent of the urban population increase.

The population of racial origins other than those already mentioned only constitute 2.3 per cent of the total and 8.8 per cent of the urban population, but they contributed 4.3 per cent of the total and 8.5 per cent of the urban population increase.

The statistics given above show that all racial origins contributed to the population increase of the Maritime Provinces almost in the same proportion as their ratios of the total population.

It can be said, in conclusion, that in so far as population growth is concerned, the decade 1931-1941 was beneficial to the Maritime Provinces. It gave them a population increase which has no parallel in six or seven decades. Its immigration was almost as great as its emigration. Will they be able to retain this population in the future? Annual estimates of population for the years 1942 and 1943 for each of the three provinces would tend to show that in Prince Edward Island and New Brunswick, at least, the growth was only temporary and that war-time conditions have reversed the process.

Representation in the Assembly of Nova Scotia

By D. C. HARVEY,

IN this sketch of representation in the House of Assembly of Nova Scotia from 1758 to 1944, no attempt can be made to give a detailed account of the reasons for each change or the discussions which preceded or followed such change but the general principle of representation at different times will be set down, the increase or decrease in number of representatives and, incidentally, the legislation dealing with the qualification of electors and the duration of the assembly. In other words, this will be almost entirely a factual account of the composition and tenure of the assembly at different stages in its evolution.

In the beginning, the Governor and Council, under instruction from the Imperial Government, determined the constitution of the Assembly, the number of representatives, the constituencies to be represented and the qualifications of both voters and representatives. They also organized the first townships and counties. In fact it was not until the 1830's that these political divisions were made by statute rather than by order-in-council; and even then the acts creating new counties and increasing representa-

tion had to be passed with a suspending clause to the effect that they should not go into effect until assented to by the Crown.

Between 1756 and 1758, when Governor Lawrence was being urged to summon an Assembly, various proposals for its constitution were considered by both the Local and Imperial governments and finally, on May 20, 1758, the Governor and Council decided that, until the province could be divided into counties, sixteen members should be elected for the province-at-large, four for the township of Halifax, and two for the township of Lunenburg, a total of 22 members. As it transpired only 20 members were elected; but the House met in two sessions and was dissolved on August 13, 1759. On the same date the Governor and Council divided the Province roughly into five counties, Halifax, Lunenburg, Annapolis, King's and Cumberland, to give representation to New Englanders who were expected to settle in the Province in response to the Governor's proclamations of 1758 and 1759.

On August 22nd, the Governor and Council decided that representatives

should be summoned from these five counties, and from the five towns or townships of Halifax, Lunenburg, Annapolis, Horton and Cumberland. Each of the counties was to have two representatives, and all of the towns except Halifax which was to have four, making a possible total of 22 for this Assembly also. But for this Assembly also only 20 members were elected, apparently because the settlers had not yet arrived in Horton. This Assembly also met in two sections and was considered to have been dissolved by the death of George II in October 1760.

On February 16, 1761, the Council decided to issue writs for a new election, providing for 24 representatives. For this election Cumberland county and town were omitted, as settlement there had been disappointing, but three new towns, Cornwallis, Falmouth and Liverpool were given two representatives each. In this election the full number were returned for the first time and this Assembly sat for six sessions before being dissolved. In its second session its membership was increased to 28, by the addition of two representatives from each of the townships of Onslow and Truro, but in its later sessions attendance was very unsatisfactory.

Between 1761, when the third assembly was elected, and 1765, when another election was decided upon, many more townships had been erected or settled and in 1762 Queens County had been cut off from Lunenburg. The Governor and Council therefore began to fear that, if all of these townships elected two representatives, they would have a much larger Assembly than they needed. Accordingly, they decided to reduce the number of representatives for each township to one; and to adhere rigorously to the rule that each township must have fifty resident families before it was entitled to representation.

On January 30, 1765, the Governor and Council resolved that writs should be issued for a new election to the six counties and eleven townships, the new township being Granville, that the county of Halifax should have four representatives, the

other five two each; that the town of Halifax should have two, but that the other ten townships should have only one each; and, that all other townships, on proof that they comprised fifty families, were to be granted a representative. As it transpired, Newport submitted proof of having the required number of families and thereby became the twelfth township to take part in this election. Consequently 27 members were returned for the first session of the Fourth Assembly. However, before this assembly had been dissolved, another county had been created and four more townships had qualified for representation, thereby raising the membership to thirty-three, while Cape Breton Island, annexed to Nova Scotia by the Proclamation of 1763, had sent two representatives to this Assembly who were not allowed to retain their seats because they had not been elected by *freeholders*.

On April 30, 1765, the Governor and Council had erected the St. John River region into the County of Sunbury; and on May 29th they ordered writs for the election of two members from that county, returnable August the first. Henceforth that county was entitled to send two representatives to the Assembly until 1784, when the Province of New Brunswick was cut off from Nova Scotia. In the meantime, the township of Sackville had petitioned for representation and was asked to submit proof of having the necessary number of resident families.

On May 30th, two days after the fourth Assembly had met, they petitioned the Governor to restore to the townships the right of electing two representatives as promised in Governor Lawrence's proclamation of 1759, or that he would be "pleas'd to concur with the *Assembly* in Establishing such other Regulations, as may be most for the welfare of the Province, under its present situation". The Governor replied that he would "by an Act confirm to them their present Representation in General Assembly." Accordingly, by 5 Geo III, cap. 10, it was enacted that henceforth there should be elected for the county of Halifax four members; for each of the six

counties: Annapolis, Lunenburg, Kings, Cumberland, Queens and Sunbury, two; for the township of Halifax, two; for each of the townships, Truro, Onslow, Annapolis, Granville, Lunenburg, Horton, Cornwallis, Newport, Falmouth, Cumberland, Liverpool and Sackville, one; and that when any of the townships of Barrington, Yarmouth, Chester, Dublin, Amherst, St. John's, Windsor, Wilmot on the River Annapolis, Louisbourg and Wilmot Town at Canso should present an authentic certificate that it had a population of fifty families, it would be given representation. This act therefore provided for an immediate membership of thirty and a possible total of forty-five, since there were actually six townships laid out on the St. John River; but the British Government disallowed this act two years later, and instructed the Governor not to give his assent to any such law in the future. Henceforth, the Governor-in-Council continued to decide such matters; and when their resolutions were confirmed by legislation each act was accompanied by a suspending clause to make its operation conditional upon receiving His Majesty's assent.

In the meantime Yarmouth, Sackville, Barrington and Londonderry had qualified for representation; and the representatives of the first two townships had taken their seats in 1766, and of the last two in 1767. No more members were added to the fourth Assembly, which was dissolved on April 2, 1770; and the maximum number of the new assembly, which met in its first session on June 6th, remained at thirty-three until 1781, when the creation of the county of Hants by the Governor-in-Council, on June 17th, and the qualification of the township of Amherst increased this number to thirty-six. But throughout this stormy period there was never a full House, and during the American Revolution regular representation of the outlying townships was impossible, despite frequent by-elections and the not uncommon practice of choosing a resident of the Capital. For example, in July 1782, the Assembly declared that there were eight vacant seats, four in the town-

ships of Cumberland, Sackville, Amherst and Onslow, two in the county of Hants and one each in the counties of Sunbury and Annapolis. No writ had yet been issued for Amherst, but the members for the townships of Cumberland and Onslow had not attended for several years and the member for Sackville had left the Province. No writs had been issued for the county of Hants; but one member from each of the counties of Annapolis and Sunbury had vacated their seats by non-attendance.

The fifth Assembly, which lasted over 14 years and held 17 sessions, was dissolved on October 20, 1784. In its last session, it confirmed the action of the Governor-in-Council in providing increased representation for the counties and townships settled by the Loyalists. In 1784 the Imperial government had created the new province of New Brunswick out of the north-western part of Nova Scotia, and had erected Cape Breton Island into a separate government. The separation of Cape Breton did not involve any decrease in the membership of the Assembly; but the separation of New Brunswick removed four members: two for the county of Sunbury, and one each for the townships of Sackville and Cumberland. This loss was more than compensated for by 25 Geo. III, Cap 5, which created two new counties, Shelburne and Sydney and two new townships Shelburne and Digby, thereby adding six members to the Assembly. At the same time the township of Windsor appears to have qualified for representation, so that the sixth Assembly despite the loss of four representatives to New Brunswick ultimately comprised 39 members as compared with the fifth Assembly's possible number of 36.

No further addition was made to this number of representatives until 1820, when Cape Breton Island was re-annexed to Nova Scotia and allowed two representatives as one county. In the interval several other townships on the peninsula had qualified and petitioned for representation but without success; a bill had been introduced into the Assembly to set off the districts of Pietou and Colechester as

separate counties but had not become law; and, although the district of Pictou had later been divided into the townships of Pictou, Egerton and Maxwellton, these townships had not been officially recognized nor granted representation.

In 1820, there were no townships in Cape Breton; but there were two judicial districts, the northern and southern, in which the two chief towns were Sydney and Arichat respectively. In 1821, at the request of the magistrates of Sydney, the northern district was divided into three townships: Sydney, St. Andrews and St. Patricks. In 1824 the county was divided into three judicial districts, the North-eastern, the North-western and the Southern. Four years later four townships, Canso, Port Hood, Ainslie and Margaree were laid out in the North-western district, and, in 1829, four others were laid out in the Southern district: Arichat, Maitland, Lennox and Hawkesbury. None of these townships was granted representation at the time, and only Sydney and Arichat ever obtained representation as townships.

From 1820 until 1833, the number of representatives remained at 41; but in 1832 an act, 2 Wm. IV, Cap. 6, passed with a suspending clause, empowering the Lt. Governor to issue writs immediately after the act should be in force for the election of three additional members for Cape Breton: one for the county of Cape Breton, and one each for the townships of Sydney and Arichat. From 1833 to 1836, therefore, this Assembly consisted of 44 members; but between those dates legislation was enacted which created six new counties and added five new members to the next Assembly.

By 5 Wm. IV, Cap. 37, two new counties, Colchester and Pictou, were created, to be represented by one and two members respectively, while the reduced county of Halifax was to be represented henceforth by two instead of four. The township of Halifax retained its two representatives, the three townships of Truro, Onslow and Londonderry retained one each, and a new representative was given to the township of Pictou.

This act therefore provided for an increase of two members in the next Assembly.

By 5 Wm IV, Cap. 46, Cape Breton County was divided into three counties, Cape Breton, Richmond and Juste au Corps, to be represented in the Assembly by one member each, while the townships of Arichat and Sydney retained their representatives. This act merely distributed the representatives of the original county of Cape Breton amongst the three new counties, the boundaries of which corresponded with the boundaries of the judicial districts and did not increase the total representation provided by the Act of 1832.

In 1836, by 6 Wm. IV, Cap 79, the county of Sydney was divided into the counties of Sydney and Guysborough, with two representatives for each county. This act provided for two new members in the next Assembly. In the same year by 6 Wm. IV, Cap. 88, the county of Shelburne was divided into the counties of Shelburne and Yarmouth with one member each, while the old townships of Barrington, Shelburne and Yarmouth retained one representative each, and the township of Argyle was given a representative. As the former representation of the county of Shelburne was divided between the two counties of Shelburne and Yarmouth, this act added only one new member to the next Assembly.

Altogether, therefore, the legislation, between 1830 and 1836, created six new counties, Colchester, Pictou, Guysborough, Richmond, Juste au Corps and Yarmouth, and gave representation to four additional townships, Sydney, Arichat, Pictou and Argyle; but it provided for only eight additional representatives for the next Assembly which was to consist of 49 members as compared with 41 in the original Assembly of 1830.

In 1837, by 7 Wm. IV, Cap. 30, the name of the county of Juste au Corps was changed to Inverness; but representation remained the same until the following year, when by 1 Vic., Cap. 8, an additional representative was to be allowed to the County of Inverness in the next Assembly. In 1837 also, by 7 Wm., IV,

Cap. 89, the county of Annapolis was divided into the counties of Annapolis and Digby, with one representative each, while the townships of Annapolis and Digby, whose boundaries were readjusted because of the division, and the township of Granville retained their representatives, and a representative was given to the township of Clare. By this act, only one new member was provided for the next Assembly. By the legislation of the sixteenth assembly, therefore, one new county was created, one given a new name and an additional representative, and one township was given a representative but only two additional members were added to the total number, thereby raising it to 51.

Representation remained at this number from 1841 until 1851, when two new members were added for the new county of Victoria, cut off from Cape Breton county by 14 Vic. Cap. 4. In the meantime some changes had been made in the representation of Colchester County, but the number of representatives had not been increased thereby. By 12 Vic. Cap. 33, Colchester County was given an additional representative, which was taken from the township of Onslow; but all the electoral districts of the county were to be included in the two townships of Truro and Londonderry, which retained their representation of one each: so that all electors had the privilege of voting for three representatives, two for the county and one for a township.

Representation remained at 53 and in accordance with the principle of both county and township representation from 1851 until 1859, when by 22 Vic., Cap I, an effort was made to equalize the elective franchise in certain counties where all the electors were not included in townships which had special representation, by abolishing the privilege of voting for both township and county members, and creating electoral divisions in which each man should have one vote only. By this act, voting was to be by counties only in Lunenburg, Annapolis, Digby, Cumberland, Richmond and Cape Breton, the first four of which were to have three

representatives each and the remaining two to have two each, while the township representation was to be abolished by adding in each instance the representative or representatives to the County. The counties of Halifax, Kings, Hants, Colchester and Pictou were to be divided into two electoral divisions, each of which should have two representatives, except the western electoral division of Halifax which included the city of Halifax and was to have three representatives. In these counties also township representation was abolished, generally by adding an additional representative to the number of county representatives; but Hants lost one, and both Pictou and Halifax counties gained one each. By the same act, Inverness, which had no township representation, gained an additional county representative, but Sydney and Guysborough counties, which had no township representation, were left with two representatives each. No change was made in Queens, Shelburne or Yarmouth: in the former because it had already been divided into two electoral districts by 19 Vic., Cap. 66, and in the latter two because the townships of each comprised the whole county. As a result of this legislation the total number of representatives was increased to 55, at which number it remained until Confederation. No further change was made in the counties except that by 26 Vic., Cap. 37, the name of Sydney county was changed to Antigonish.

Immediately after Confederation the number of representatives was reduced to 38: the counties of Halifax and Pictou having three each, and the other 16 counties two each. In 1914, 4 Geo. V, Cap. 16, the number was increased to 43, by giving two additional members to both the counties of Halifax and Cape Breton and an additional representative to the county of Cumberland. In 1925, 15-16 Geo. V, Cap. 15, some change was made in the representation of Cape Breton and Richmond counties, by assigning two members to each of the electoral districts of Cape Breton East and Cape Breton Centre, and attaching west Cape Breton to

Richmond County to form one electoral district; but no change was made in the total number of representatives. In 1929, 19 Geo. V, Cap. 13, the number of representatives was reduced to 38, by taking one member from each of the six counties of Queens, Shelburne, Guysborough, Antigonish, Victoria and Richmond, and adding an additional member to Cape Breton County, in which there was a new arrangement of the electoral districts as follows: Cape Breton East and Cape Breton South, two members each, and Cape Breton North one member.

The last change in the constitution of the Assembly was made in 1932, by 21 Geo. V, Cap. 19, when the number of representatives was reduced to 30. This act also involved changes in the electoral districts of Cape Breton and Halifax counties; but, for the purpose of this article, everything necessary is contained in section 4 as follows: The House shall be composed of thirty members of whom one shall be elected by each of the following electoral districts, namely: Cape Breton North, Cape Breton East, Cape Breton South, Cape Breton Centre, Cape Breton West, Halifax East, Halifax West, Halifax South, Halifax Centre, Halifax North; one by each of the following counties namely: Annapolis, Antigonish, Digby, Guysboro, Hants, Inverness, Kings, Queens, Richmond, Shelburne, Yarmouth and Victoria; and two by each of the following counties, namely, Colchester, Cumberland, Pictou and Lunenburg.

From 1758 to 1918, the franchise was confined to male British subjects by birth or naturalization and, with the exception of ten years, 1854-63, to property holders or taxpayers in some form or other. The first five assemblies were chosen by Protestant freeholders only. As Roman Catholics were not permitted to hold land in fee simple in that period, they were automatically precluded from voting; and for a similar reason all the inhabitants of Cape Breton were denied the franchise between 1763 and 1784, when it was first annexed to Nova Scotia. In 1783, 23 Geo. III, Cap. 9, this restric-

tion upon Roman Catholics was removed and henceforth they were allowed to vote for a representative, although the oath required at that time of all members prevented them from offering as candidates for election until 1820. In that year Lawrence Kavanagh was chosen for Cape Breton county and, after some correspondence with the Imperial government, was finally allowed to take his seat under a modified oath in 1823. This exception was made the rule in 1830, 11 Geo. IV, Cap. 1, by which Roman Catholics became eligible for a seat in the Assembly or Council or any other office upon taking a modified oath.

Between 1759 and 1851 the franchise was based upon 40 shilling freehold or its equivalent; but in the latter year by 14 Vic., Cap. 2, it was extended to all males, except paupers and Indians, who were 21 years and over and had been assessed for and paid poor or county rates in the year preceding the election. In 1854, by 17 Vic., Cap. 6, an experiment was made with manhood suffrage, on the single condition of domicile in a county or township for at least one year before the election, paupers and Indians always excepted; but in 1863, by 26 Vic., Cap. 28, the franchise was again made conditional upon assessment for real or personal estate. This act did not go into effect for the election of 1863, and was amended in the following year; but the principle of assessment was retained as a condition of getting on the voters' list; and this principle expanded and amplified to include tenants of real estate of a stated value, the son or sons of owners of property of a certain value, salaried men or wage earners of a certain income, a fisherman whose gear and real estate combined amounted to the necessary value, was retained in all subsequent legislation until 1918, when the franchise was extended to women, and 1920, when all assessment or property qualifications were dispensed with. In 1847, 10 Vic., Cap. 1, the counties and townships were divided into convenient electoral districts so that all the elections could be held throughout the province on one and the same day; and in 1870,

33 Vic., Cap. 24, the principle of "vote by ballot" was adopted.

Prior to 1792 there was no limit to the duration of the Assembly except that it was always dissolved on the demise of the sovereign. The first lasted for less than a year and held only two sessions; but the fifth lasted for more than fourteen years and held seventeen sessions. By 32 Geo. III, Cap. 10, its duration was

limited to seven years; and in 1833, by 3 Wm. IV, Cap. 4, its continuance was not to be affected henceforth by the demise of a sovereign. The seven year limit remained in effect until 1840, when the limit was fixed at four years, by 3 Vic., Cap. 4. This four year rule remained in force until 1897, when by 60 Vic., Cap. 1, the possible duration of the Assembly was extended to five years. This is still the limit as seen in 1 Geo. VI, Cap. 2., sec. 7.

The Place of Municipal Institutions in a Democracy

By K. G. CRAWFORD

THERE are many views as to what are the most significant features of democracy but the basic principle involved is the right of the majority of the electors to choose their own rulers and to change those rulers when they do not conduct the business of government in accordance with the wishes of that majority.

For such a system of government to operate satisfactorily several factors must be present to a greater or lesser degree, viz., an intelligent electorate to judge the merits of candidates and the merits of the policies advocated by those candidates, and a general understanding of the machinery of their government and the part which they play in its proper functioning.

It should be kept in mind that democracy or the democratic form of government is not an end in itself but merely a means to the end of good or "better" government. There may be better forms of government but we as a whole have not yet found any form of government which we are satisfied, will give us as satisfactory results and which, at the same time, will protect us against the development of those objectionable features of what might be considered as more

efficient forms of government. Regardless of our individual views as to the extent to which government should function the interest of the great majority is that, to the extent the government does function, it should do so with as high a degree of efficiency and satisfaction, from the viewpoint of the governed, as is possible.

From this basis we may now consider the place of municipal institutions in a democracy.

The field of government falls into two natural divisions comprised of those activities which must be dealt with on a national or even provincial basis because they are of interest to the larger unit and the greater community of people and those which may be dealt with on a local basis as they only affect the local community.

Aside from the exceptional conditions existing because of a state of war it is obvious, if one gives the matter careful analysis, that no unit of government performs services or enacts legislation and regulations which so vitally and intimately affect the day to day life of all the citizens as do those services and enactments which come within the field of the municipal authorities. Many of the services and enactments of the local authorities are so essential and so continuously operating, especially in urban communities, that they are overlooked

EDITOR'S NOTE: K. G. Crawford, M. A., a native of Nova Scotia, is Director of the Institute of Local Government of Queen's University, Kingston, Ont. He was for many years Town Clerk of London, Ont. The article is a summary of an address delivered at the 39th annual convention of the Union of Nova Scotia Municipalities at Parrsboro.