

REPRESENTATIVE GOVERNMENT COMES TO NOVA SCOTIA IN 1758

The year 1758 marked the 250th anniversary of the achievement in Nova Scotia of “representative government,” i.e. the creation of an elected legislative assembly, a first in what is now known as Canada. While this innovation did not usher in “democracy” as we today would define the term, it did significantly broaden the governmental power structure then prevailing in Halifax and became a basic building block for the achievement of the kind of administration successfully championed by Joseph Howe in the 1840s. The purpose of this virtual plaque is to provide a brief account of why an elected assembly came into being in Nova Scotia as of 1758 and what changes it brought in how the colony was governed thereafter.

Following the 1713 Treaty of Utrecht, which transferred mainland Nova Scotia from French to British control, colonial and imperial officials discussed how best to integrate the new colony into the rest of British North America. Normally, this would include setting up an administration that included an appointed Governor and Council, along with an assembly elected to represent the mass of settlers. But in Nova Scotia the overwhelming majority of those settlers were French-speaking Roman Catholics (the Acadians) who persistently refused to take an unqualified oath of allegiance to the British Crown. Accordingly, those settlers were disqualified from voting for or sitting as members of an elected assembly. As a result, it was decided to defer convening an assembly in Nova Scotia until such time as the colony acquired a substantial number of British, Protestant, and loyal settlers.

That arrangement prevailed for the next three decades, modified by a compromise whereby the Acadian community sent elected “delegates” to meet from time to time with the Governor and his Council to deal with local affairs such as the administration of justice and enforcement of property rights. Then in 1749 came major upheaval as the London government embarked on a drive to consolidate its presence in Nova Scotia as part of preparations for a climactic struggle with France to decide control of North America. Anglo and Foreign Protestant settlers poured ashore, first at the new capital of Halifax and shortly thereafter in the new outport of Lunenburg. Almost immediately, the presence of this new population gave rise to demands that the long-deferred decision be taken to bring into being an elected assembly. Now, in other words, was time to normalize Nova Scotia’s colonial constitution.

Leading the campaign for an assembly, something they deemed to be their “rights as Englishmen” were members of Halifax’s business elite, who hailed either from New England or the British Isles. Having arrived in Nova Scotia in 1749 or shortly thereafter, these merchants soon came to resent what they viewed as the exclusive and occasionally arbitrary use of authority by the men, mostly of a military background, who dominated the Council appointed by Edward Cornwallis and his immediate successors as Governor. The agitators assumed, based on precedents in both England and neighboring colonies such as Massachusetts, that an assembly would exercise considerable authority, particularly with respect to such things as patronage appointments and the expenditure of public money. They also assumed that, as the leading civilian men of property in Nova Scotia, they would dominate the proposed new elected legislature.

Significantly, London authorities backed the campaign for the early calling of an assembly since, without it, legal convention held that no taxes could be imposed on the colonists. And without local taxes, the whole cost of governing Nova Scotia fell on the imperial treasury. Thus the first set of instructions sent out in 1749 with Cornwallis called upon the governor to convene an assembly at the earliest convenient moment. But year after year merchant and imperial pressure was met with nothing but delay. Procrastination derived in part from personality clashes, particularly between English-bred governors and Yankee merchants who were thought of by the former as vulgar upstarts who were out for nothing more than personal gain. More credible reasons for deferring action on an assembly derived from the grim reality that Halifax and Lunenburg were engaged in frontier warfare with the Mi'kmaq natives who feared that expansion of British settlement would destroy their autonomy. At the same time, the regime faced growing problems with the Acadians who rejected initiatives designed to eliminate their special status as neutrals in the struggle for empire.

Crisis conditions dramatically escalated in 1755 when Anglo-French warfare erupted on the Tantramar marshes, prompting Governor Charles Lawrence to order a mass expulsion of the Acadians. Their forced departure, and the resulting decision to recruit a replacement population from New England, people who would insist on the same civil rights in Nova Scotia as they had known at home, decisively heightened the need to convene an assembly. By 1757 pressure from officials in London, reinforced by shifting opinion within the Council at Halifax, had made the calling of an assembly virtually an inevitability. An increasingly isolated Lawrence doggedly procrastinated until May of 1758 when, just prior to departing Halifax to participate in the siege and conquest of the French bastion at Louisbourg, Cape Breton, the governor yielded and ordered the issuance of writs for elections to a House of Assembly for Nova Scotia.

It is unknown how many seats were contested as opposed to being decided by acclamation. In any event, on 2 October 1758 some nineteen members (plus another seated at the end of the month) representing the two constituencies of Halifax and Lunenburg assembled at improvised quarters in downtown Halifax. Within this first legislature, all but two resided in Halifax. In terms of origin, seven were New Englanders, five from Europe, plus another five whose place of birth remains unknown. As for occupation, half were merchants while the remainder came from various backgrounds ranging in status from lawyer to mason. Leadership of the House was exercised by the Speaker, the first of whom was Robert Sanderson, a merchant from Boston. Upon his departure for England in early 1759 Sanderson was replaced by William Nesbitt, a lawyer from England who would serve a total of twenty-four years as Assembly Speaker.

Most of the new legislators had low profile public careers. Half served but a single term in the Assembly and only six had careers that warranted an entry in the *Dictionary of Canadian Biography*. Nevertheless, as a group they were remarkable self-assertive through the two sittings of the first assembly, which ran from October 1758 to August 1759. The hand-written Assembly Journal shows that the members undertook a wide-reaching agenda, proposing legislation in a host of areas, including raising revenue through a tax on liquor, offering bounties to stimulate fishing and farming, establishing a militia, setting up municipal government in Halifax, and ordering construction of a light house at Sambro,

In their dealings with both Council and the Governor, the Assembly politely but emphatically insisted on having prerogatives familiar to other colonial legislatures. For example, members demanded detailed accounting on public expenditures and on one occasion threatened to go on strike unless the Council ended its delaying tactics on the passage of legislation. When Council threatened to censure a member for using allegedly “improper” language, the House defiantly argued that they alone had the right to discipline their colleagues. The highlight of Assembly self-assertion came when a member complained that he had been insulted in the streets by Archibald Hinshelwood, a government official. Protesting that these comments were of “the highest indignity to the Assembly, dangerous to the lives of the members and destructive to the liberties of the people,” the House ordered Hinshelwood’s arrest and only granted him freedom after an abject apology. A year later, when Hinshelwood gained a seat in the House through a by-election, the Assembly ejected him, both for election irregularities and because his government position jeopardized the legislature’s independence from the executive.

Overall then, while the initiative of 1758 may have been only a modest step toward the concept of “power to the people,” the creation of an elected legislature did have immediate and long-term consequences that would, by 1848, carry Nova Scotia from “representative” to “responsible” government.



Province House (1811-1819), in Halifax, Nova Scotia, draws inspiration from the Neo-Classical style promoted in Britain by architect Robert Adam. Among the Classical details of this Canadian building, where the Nova Scotia parliament meets, are Ionic columns topped by a triangular pediment, resembling the front of a Greek temple.