

# *The Parliamentary Tradition in Nova Scotia*

*John Feehan and Ronald G. Landes*

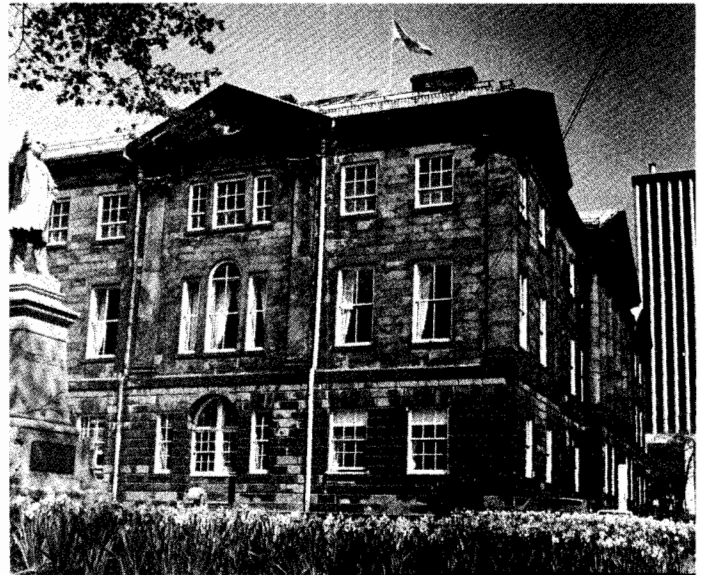
**A**s the home of representative and responsible government, the Legislature of Nova Scotia has significantly influenced the nature and practices of British parliamentary democracy at both the federal and provincial levels of Canadian government. The strength of that parliamentary tradition once led Nova Scotia's most famous son, Joseph Howe, to instruct Britain herself as to the true principles of democracy. Such developments have centred on Province House, a building once described as the "shrine of Canada's political liberty".<sup>1</sup>

## **Province House**

The seat of government in Halifax was completed in 1818 after eight years of construction and at a cost of 52,000 pounds sterling. The cornerstone of the Legislature had been laid on August 12, 1811, with its official opening by the Earl of Dalhousie on February 11, 1819. Province House is constructed of sandstone from Cumberland County, with dimensions as follows: 140 feet long, 70 feet wide, and 40 feet high. By modern standards it is a small building. Jeremy Akerman, former leader of the New Democratic Party in Nova Scotia, once described it as having "more in common with the cosy, unpretentious chambers to be found tucked away in the side streets of Caribbean countries" than with "the imposing edifices" of Ottawa or the central and western provinces.<sup>2</sup>

The North wing of Province House contains the Assembly Chamber, while the South wing was the home of the Upper House or Legislative Council. Since abolition of the Legislative Council in 1928, the Red Room has been used for special functions. Also included in Province House are offices for the Premier. A centre room was the original home of the Supreme Court of Nova Scotia, which in 1835 was the site of the famous trial of Joseph Howe, the result of which established the principle of a free press. This room now serves as the Legislative Library.

In addition to its legislative tasks, Province House has had other uses as well. Perhaps surprising to many would be the use of the building as the site for the investiture of several Canadian Governors-General. In the Assembly Chamber, the Marquis of Lorne assumed his duties on November 25, 1878. Over the years,



**Province House the "shrine of Canada's political liberty", with a statue of Joseph Howe in the foreground. (Nova Scotia Government Services)**

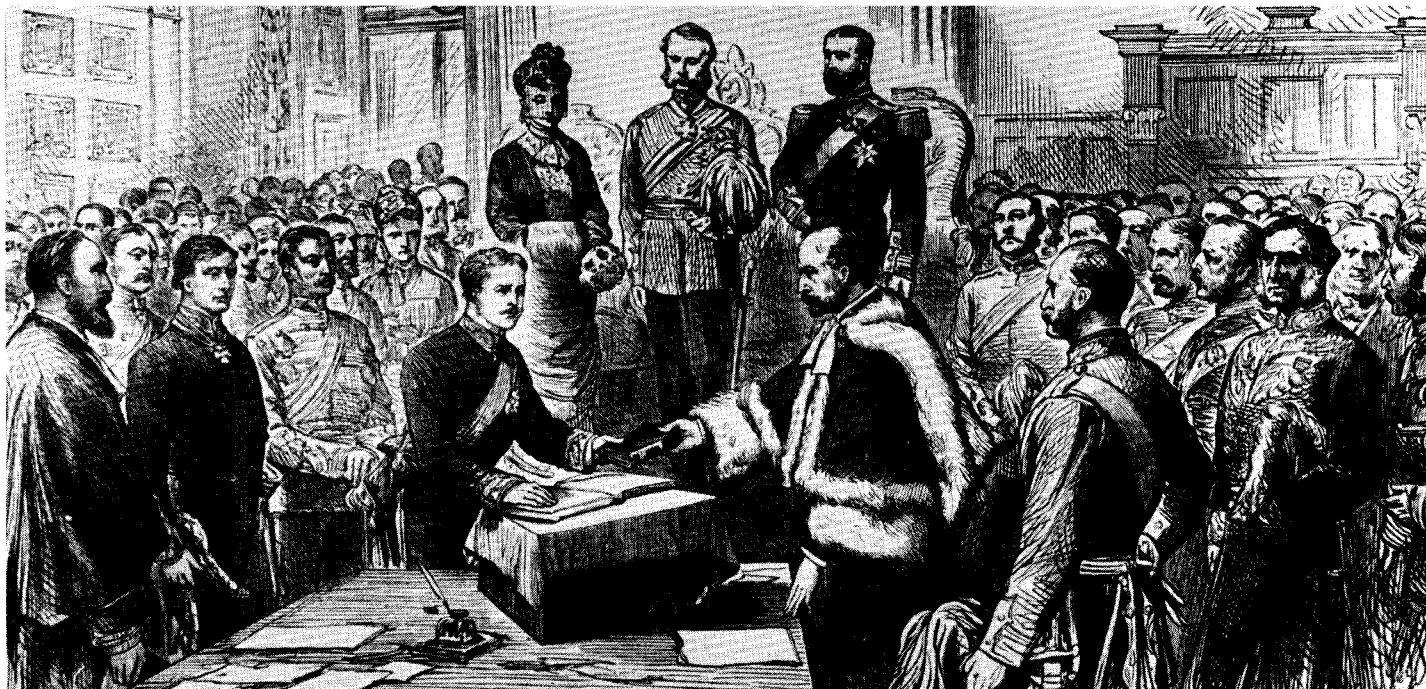
three other investitures occurred in the confines of Province House, the last one being the Earl of Bessborough on April 4, 1931. The oaths of office were administered in Halifax, because it was here that these Governors-General first stepped onto Canadian soil.

Province House was also the site in 1895 of the lying in state of Prime Minister Sir John S.D. Thompson, a former Premier of the province. In addition, it served as the home of the Industrial Exhibition in 1854, the first such event in what is now Canada.

## **Responsible Government, Joseph Howe, and All That**

Throughout the seventeenth century, the territory of Nova Scotia was a point of conflict between England and France, with its capital located in Port Royal and its boundaries including the present Maritimes, the state of Maine, and portions of Quebec. With the Treaty of Utrecht in 1713, Great Britain was granted control of Nova Scotia, except for Cape Breton Island. The city of Port Royal was renamed Annapolis Royal and remained the seat of government. In forming a civil administration in 1719, Governor Richard Phillips

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**The Nova Scotia House of Assembly witnesses the investiture of the Marquis of Lorne as Governor General of Canada in 1878.**  
*(Nova Scotia Government Services)*

was instructed to follow the model of Virginia, not Massachusetts, because the latter was considered "too republican" in outlook.

During the next century, the "geographical reach" of the province was altered on several occasions. In 1769, Prince Edward Island was created as a separate entity, with the provinces of New Brunswick and Cape Breton Island formed in 1784. In 1820 Cape Breton was again incorporated within the boundaries of Nova Scotia, although the view from Cape Breton, to this day, is the opposite. Against this backdrop of changing territorial control emerged a pattern of representative and responsible government in Britain's fourteenth colony in North America.

The principle of representative government was a mid-eighteenth century development accomplished through the exercise of the royal prerogative. Initially, the Governor and his Council were the embodiment of all authority (executive, legislative, and judicial). Nova Scotia was sparsely settled, with a population composed mainly of natives and French Catholics, with neither group allowed to vote or to participate in a British Parliament. After the establishment of the city of Halifax in 1749, which became the capital, Governor Edward Cornwallis was instructed by Britain to form an Assembly, when he thought it expedient to do so. Interestingly, Governor Cornwallis never found the time propitious for such an occurrence. As a result, Cornwallis ruled by decree, even though he was the first Governor to select his own Council.

His successor, Governor Lawrence, was also opposed to the idea of an elected Assembly. However, due partly to growing public protest in Nova Scotia, the British government, through the Board of Trade which was responsible for colonial policy, ordered Governor Lawrence, on February 7, 1758, to call an Assembly. A total of twenty-two members were to be elected (sixteen from the

province, four from Halifax, two from Lunenburg). In that first provincial election in the summer of 1758, very few people could vote: male, freehold property owners, 21 or older, British and non-Catholic. To increase the number of Protestants, the so-called "foreign Protestants" of Lunenburg (i.e., those of German background) were naturalized as British subjects. The first elected Legislative Assembly in Canada held its original meeting in Halifax on October 2, 1758. Thus did representative government begin in Nova Scotia.

The movement towards responsible government was a more arduous process, which took almost another century to achieve. Unlike the granting of representative government, responsible government was opposed by the Crown, thus making it a contentious issue indeed.

After 1758, the inhabitants of Nova Scotia discovered that an elected Assembly (representative government) did not necessarily mean Assembly control of the executive (responsible government). For approximately fifty years, the role of the Assembly was largely a passive one. Enconced in Government House, the Lieutenant Governor presided over a privileged class of wealth and power, which maintained itself through government patronage. In his attack on the magistrates of Halifax, for which he was charged with criminal libel, Joseph Howe struck a body blow against that establishment. His acquittal in 1835 confirmed the principle of free speech and gave impetus to a growing reform movement in the province. Led by such men as Howe and J.B. Uniacke, the reform movement was "conservative", in that all they wanted were the same political rights enjoyed by their fellowmen in England. Partly in response to such pressures, the British government, in 1838, altered the Council by dividing it into two parts: the Executive

Council (which retained the executive powers) and a new Legislative Council to sit as an Upper House.

The reform movement, however, could not be so easily quelled. The focus of the reformers centered on the Assembly's control of the Executive Council. In 1840 the Nova Scotia House of Assembly voted no confidence in the Executive Council. Even though he rejected the vote, Lieutenant Governor Campbell resigned. However, it took two elections (1843, 1847) and eight years of political infighting before the idea of responsible government gained acceptance.

The reform movement rejected the results of the snap election in 1843 and its leading figures (Joseph Howe, J.B. Uniacke, and James McNab) later resigned from the Executive Council to wait for the next election, which came in 1847. The reformers campaigned on the promise of responsible government and they won a majority in the Assembly. The new House began on January 22, 1848 and two days later a motion of no confidence was introduced. After a debate, the motion carried, the Executive Council resigned, and the Lieutenant Governor requested J.B. Uniacke to form a new government. That first responsible government in Canada, as well as in the overseas Commonwealth, was sworn into office on February 2, 1848. Popular government had come to Nova Scotia "without firing a shot," because the battle had been won "with the political weapons of public opinion and shrewd debate on the floors of historic Province House".<sup>3</sup>

## The Representation Function

To qualify to vote in legislative elections, the typical individual has to meet certain minimum requirements, such as age and residency. In the 1980's these criteria are few, so that almost any adult citizen has the right to participate in the electoral process. Historically, however, such a pattern has not always been true. One of the most glaring examples of discrimination would be the early exclusion of Catholics from the political arena.

### The Catholic Emancipation

When in 1820 Cape Breton Island ceased to be a separate province and was reunited with the mainland, the Island became one large legislative constituency. One of the members selected was Laurence Kavanagh Jr., the first Roman Catholic to be elected to the Assembly.<sup>4</sup> Kavanagh refused to take his seat, because his oath of office included a section aimed at Catholics, namely, a statement "against transubstantiation and popery". Several attempts to resolve the matter in the Legislature were unsuccessful. Finally, with the approval of the British government, it was agreed that Kavanagh could be seated if he were to take the regular State Oaths, minus the objectionable clause on transubstantiation. In 1823 Kavanagh received the oaths and took his seat in the House of Assembly, thus gaining for Catholics in Nova Scotia a right not yet accorded to Catholics in Britain. The "Catholic Emancipation" was effected in Nova Scotia six years before it was achieved in the United Kingdom.

### The Family Tradition of Legislative Service

Even though universal adult suffrage is half-a-century old in Nova Scotia, the Legislature itself is not now, nor has it ever been, a

"mirror image" of society. As with the national legislature and its provincial counterparts, those elected to serve the people in the House of Assembly are "a socioeconomic and demographic" elite with respect to such criteria as education, class, and occupation.<sup>5</sup> One of the most interesting historical aspects of this pattern in Nova Scotia is the importance of "the family connection" for legislative careers.

For the first half-century of representative government, a handful of powerful families dominated the Council. Intermarriage and generational involvement were the means by which these families consolidated their control of the political process: "The outstanding instance of family connection was the Gerrish-Brenton-Halliburton-Stewart-Cochran-Hill-George-Collins group which contributed eleven (or about one-fifth) of the councillors appointed prior to 1830 and was the closest Nova Scotia came to having a family compact."<sup>6</sup>

Although somewhat attenuated in more recent decades, this family connection has continued to play a significant role in Nova Scotia politics. An examination of the *Directory of the Members of the Legislative Assembly of Nova Scotia 1758-1958*<sup>7</sup> makes it clear that within certain families there has been a generational involvement in the political affairs of the province, as shown by membership in the elected Assembly since 1758.

There have been at least sixty-two sets of fathers and sons who have served in the Legislature, with two sets of fathers and sons sitting together. There have been twenty-nine groups or sets of brothers, sometimes groups of three, who have served in the Legislature. Eight sets of brothers have sat together; one set of three brothers. There have been at least twenty-four sets of grandfathers-grandsons who have served in the Assembly to date.

This continuous pattern of family involvement has existed in all regions of the province and within all major parties. The preceding statistics include only those who were elected. The list would be much longer, if defeated candidates were included.

Family involvement in elected political office has included such old names as Creighton, Chipman, DeWolf, Uniacke, Dickson, and Archibald. In more recent times names such as MacDonald, Cameron, Stanfield, Connolly, Nicholson and Donahoe are noteworthy. Three prominent members of the current Assembly have been preceded by fathers and grandfathers: A.M. (Sandy) Cameron, Leader of the Opposition; Arthur R. Donahoe, Speaker of the House; and Terence R.B. Donahoe, Minister of Education.

### Nova Scotia's "Long Parliament"

Although the modern pattern since Confederation has limited the length of the Assemblies to a maximum of five years, such was definitely not the case in the decades following the achievement of representative government in 1758. For example, the Sixth Assembly existed from October, 1785 to January, 1793 — with seven sessions. However, the Fifth Assembly stands as the paramount example of legislative duration. Known as the "Long Parliament," that Assembly endured for seventeen sessions, from June 6, 1770 to October 20, 1785. Questions of representation were intimately linked to such a pattern.

The dominance of the Halifax establishment around the offices of the Crown was maintained, in part, by holding meetings

of the Assembly when the country members were least able to attend. In response, country members would refuse to take up their seats and the Assembly would declare those seats vacant. The voters would then select another individual, who would also refuse to attend. A total of twenty-nine seats were declared vacant during Nova Scotia's "Long Parliament".

The Assembly tried several mechanisms in order to gain the attendance of its members. Interestingly, the one that seemed to work was to begin to pay members for their legislative service. However, the question of adequate remuneration for members of the Assembly has remained a contentious issue right down to the present time.

The issue of legislative salaries became so visible in 1983 that Nova Scotia adopted a unique pattern for determining legislative pay. The MacKay Commission (Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials, 1983) was given an unprecedented right to determine salaries, in that, its recommendations would be "binding" on the Assembly (see section 43A of the House of Assembly Act).

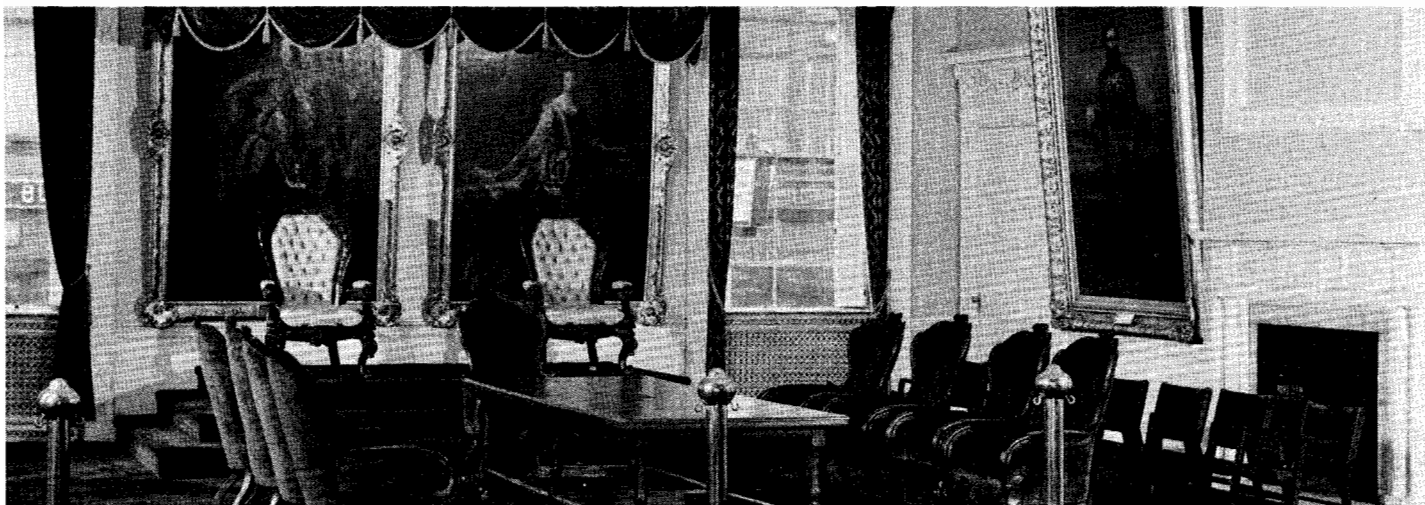
### Electoral Redistributions

An important aspect of the representative function of the Legislature relates to the perceived fairness of the electoral system and the drawing of electoral boundaries. Although not mandated by law, a redistribution has occurred about once a decade during the last half-century, with the county the basic unit of representation for the provincial Assembly. Rural areas have traditionally been over-represented, with urban and, more lately, suburban ones under-represented. In Nova Scotia, the Legislature has always retained ultimate control of the redistribution process: for many years handling the process itself or, in more recent decades, by a bi-partisan select committee.

The last complete redistribution was carried out in 1978, with the number of members in the Assembly raised from forty-six to fifty-two. All seats were single-member constituencies, except for the dual ridings of Inverness and Yarmouth County. Historically, Nova Scotia has made widespread use of dual and tri-member constituencies, with the single-member district a recent phenomenon. The last two dual constituencies were eliminated following the recommendations of the Atton Commission in 1981.

## Premiers of Nova Scotia 1848-1984

Name	Years in Office	Party
J.B. Uniacke	1848-1854	Reform (Liberal)
William Young	1854-1857	Liberal
J.W. Johnston	1857-1860	Conservative
William Young	1860	Liberal
Joseph Howe	1860-1863	Liberal
J.W. Johnston	1863-1864	Conservative
Sir Charles Tupper	1864-1867	Conservative
Hiram Blanchard	1867	Confederate (Conservative)
William Annand	1867-1875	Anti-Confederate (Liberal)
P.C. Hill	1875-1878	Liberal
S.D. Holmes	1878-1882	Conservative
J.S.D. Thompson	1882	Conservative
W.T. Pipes	1882-1884	Liberal
W.S. Fielding	1884-1896	Liberal
G.H. Murray	1896-1923	Liberal
E.H. Armstrong	1923-1925	Liberal
E.N. Rhodes	1925-1930	Conservative
G.S. Harrington	1930-1933	Conservative
Angus L. Macdonald	1933-1940	Liberal
A.S. MacMillan	1940-1945	Liberal
Angus L. Macdonald	1945-1954	Liberal
Harold Connolly	1954	Liberal
Henry D. Hicks	1954-1956	Liberal
Robert L. Stanfield	1956-1967	Progressive Conservative
G.I. Smith	1967-1970	Progressive Conservative
Gerald A. Regan	1970-1978	Liberal
John M. Buchanan	1978-	Progressive Conservative



**The Red Room of Province House, which served as the home of the Legislative Council or Upper House until that body voted itself out of existence in 1928. (Nova Scotia Government Services)**

## Legislative Structure and Operation

The House of Assembly holds an annual session which usually begins in February and lasts for six to ten weeks, although longer sessions occurred in the early 1980s. Approximately 100 bills, on average, are passed each year, with Royal Assent granted to all bills by the formal executive at the end of the session. Occasionally a Fall sitting may be held, but this practice has not been used for several years.

Between the setting up of the Legislative Council to serve as an Upper House in 1838 and its abolition in 1928, Nova Scotia maintained a bicameral institution. Because of continuing problems of patronage and a poorly-defined role, the Upper House was never an integral part of the legislative process. By all accounts, its demise brought few tears to the people of Nova Scotia.

The Legislature is fairly typical of other Canadian assemblies; however, a few unique aspects are perhaps worthy of comment. The Speaker, unlike most of his other provincial counterparts who wear the familiar tri-corner hats, wears a silk tophat. At one time in the Legislature's history, the traditional gentleman's dress included the tophat. The House Rules in the 1850's stated that Members were to "rise uncovered" to address the Speaker. As the fashion in gentleman's formal attire changed, Members no longer wore tophats in the Chamber, but the position of the Speaker was singled out by the fact that he continued to wear the tophat, a tradition which has continued to the present time.

The rules of procedure were extensively revised in 1980 and 1981, based on the recommendations of Michael Ryle, deputy principal clerk of the House of Commons at Westminster. Given the number of "bell ringing" episodes in the federal Parliament in recent years, it is of interest that such an occurrence is not allowed under the revised rules of the House of Assembly. Rule 38-4 limits the ringing of the bells calling members to a vote to a maximum period of one hour, at which point the Speaker calls for a vote.

Several aspects of the role and structure of committees should be described. First, Nova Scotia has, in effect, a "two-tier" committee structure. All bills are sent after second reading to either

the Law Amendments Committee or to the Private and Local Bills Committee. Thus, the other standing committees have very little work to perform. Second, the Public Accounts Committee is strongly controlled by the government of the day. In the mid-1970s, the Minister of Finance was also the chairman of the Public Accounts Committee, leading to fairly obvious problems of possible conflicts of interest. The present pattern is for that committee to be chaired by a member of the governing party, but not by a Minister of the Crown.

While the Assembly is unique in some ways, overall it is similar in design and function to its federal and provincial counterparts and true to its British heritage. In 1841 Charles Dickens attended the opening of a session in Nova Scotia. It was, he said, "like looking at Westminster through the wrong end of the telescope. The Governor delivered the Speech from the Throne. The military band outside struck up God Save The Queen with great vigour; the people shouted; the Ins rubbed their hands; the Outs shook their heads; the Government party said there never was such a good speech; the Opposition declared there never was such a bad one; and in short everything went on and promised to go on just as it does at home."

## Notes

<sup>1</sup>J.E. Belliveau, "First of Its Kind," *The Atlantic Advocate* (October, 1958), p. 16.

<sup>2</sup>Jeremy Akerman, *What Have You Done For Me Lately? A Politician Explains* (Windsor, Nova Scotia: Lancelot Press, 1977), p. 30. This book is an interesting description of the legislator's role in Nova Scotia.

<sup>3</sup>*The Nova Scotia Legislature*, Halifax, Nova Scotia: Information Services Division, Department of Government Services, p. 12.

<sup>4</sup>Anthony Traboulee, *Laurence Kavanagh 1764-1830: His Life and Times* (Glace Bay, Nova Scotia: Brodie Printing Service, 1962).

<sup>5</sup>Allan Kornberg, William Mishler and Harold D. Clarke, *Representative Democracy in the Canadian Provinces* (Scarborough, Ontario: Prentice-Hall Canada, 1982).

<sup>6</sup>J. Murray Beck, *The Government of Nova Scotia* (Toronto, University of Toronto Press, 1957) p. 21.

<sup>7</sup>(Halifax, Nova Scotia: Public Archives of Nova Scotia, 1958).