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NOVA SCOTIA AND PRINCE EDWARD ISLAND

CONSIDER AN EFFECTIVE UPPER HOUSE

WHEN GREAT BRITAIN GRANTED CABINET GOVERNMENT to its several colonies in British North America in the mid-nineteenth century, a long struggle, which had taken diverse forms, finally came to an end. Whether or not the colonial politicians actually wanted this constitutional change, and whether or not they understood it, they were forced to implement it. Once the step was taken, it was relatively easy to establish government departments headed by those officials who were members of the legislature and thus responsible to the lower chamber, or House of Assembly. It was far more difficult, however, for the majority of politicians to accept the social and political ideas associated with this alteration in the political institutions of the colony.

One of the many questions facing the new system of government was that of acceptance by the Conservatives (or Tories), after their bitter opposition to its proposal. Their immediate reaction in several colonies was to insist that the upper house be made elective. It is the purpose of this paper to explore this proposal on the part of the Conservative party in the colonies of Prince Edward Island and of Nova Scotia. The notion of an elective upper house was not new, and it had been used in several of the British colonies of North America in the eighteenth century. The proposal had been subsequently raised both in England and in several of its colonies. Radicals and political reformers had frequently suggested this idea. But in the 1850s it was the Conservatives who saw in it a remedy for their grievances against the political developments of their period.

Prince Edward Island, with a population of 63,000 in 1851, had several unique features. One of its most notable characteristics was the existence of large estates, many of which were owned by Englishmen, who were represented

in the Island by land agents. In 1841 less than one-third of the occupants of land on the Island were freeholders.¹ This land problem, which affected every aspect of politics on the Island, was not found in Nova Scotia. Both colonies, however, were influenced by similar economic, social, and political factors. Moreover, Nova Scotia, with a population of 277,000, had a direct and continuing influence on the Island. By 1855 many Catholics on the Island were reading the *Antigonish Casket*, and the Charlottetown newspapers quoted extensively from the Halifax press. The Bank of Nova Scotia, several insurance companies and business firms, as well as the Church of England and several ethnic and fraternal societies based in Halifax, included the Island in their field of activity. The characteristics that these provinces had in common, as well as their differences, provided an interesting basis for comparing the arguments that each used to support an elective upper house. Both colonies, of course, shared influences with other colonies, and this provided ample basis for comparative studies with some of them on the topic of the legislative council, as well as on other subjects. Such studies, especially those in a broadly interpreted field of intellectual history, whether social, political, or religious, would appear to be particularly fruitful.

When Lord Grey, the Colonial Secretary, authorized the introduction of cabinet government in Nova Scotia in 1847, he made it clear that the council, or the upper house of the legislature, was not to obstruct the new system. As a short-term policy this was fully understandable, because remnants of the Tory—or Conservative—party, which opposed the cabinet system, were entrenched in the upper house. This subordination of the upper house to the assembly was not intended, however, merely as a temporary measure. Not only was the upper house to accept the major policies of the assembly, but it was to come under the control of the assembly in a manner which affected its constitutional and political role. This subjugation of the upper house was easily accomplished because appointments to the council were made, subject to ratification by the colonial secretary, by the governor with the advice and consent of his cabinet.² The President of the upper house was appointed in the same manner. The introduction of the cabinet system gave rise to an interesting constitutional anomaly. The executive, which was theoretically responsible to the assembly, appointed the members of the council, which was supposed to check the assembly. This development was not merely of constitutional concern to the Conservatives, however. For they regarded the upper house as the representative of a class of society that was morally and socially superior. Conservatives were concerned that future appointments

would be made on the basis of the political acceptability of the nominees to the cabinet, rather than on their social position. Cabinet control of appointments to the council could thus be regarded as a challenge to the entire independence of the upper house.

The cause of the council was quickly taken up in Nova Scotia by J. W. Johnston, the leader of the Conservative party in the assembly. Johnston, who had been appointed to the council in 1838, had resigned his seat in 1843 in order to head his party in the assembly. This move was indicative of the decline in power of the council, as well as evidence of Johnston's acceptance of the view that the legislature should be responsible to the people. Nonetheless, Johnston objected strenuously when the cabinet used its power of appointment to force the upper house to pass legislation implementing cabinet government in the province in 1849.

To prevent any further intimidation of the council by the cabinet, Johnston proposed in 1850 that the upper house be made elective. Without specifying precisely how this was to be done, he advocated an elective upper house as a means of advancing popular sovereignty.³ This argument was somewhat surprising, coming as it did from the leader of the Conservative party, although Johnston had used similar arguments in the past. The following year, however, when he reintroduced the subject, he tried to place an elected upper chamber within the context of the British constitution. The essence of the British model, he contended, lay in the basic independence of the Crown, of the House of Lords, and of the House of Commons. The device of elections for the upper house was thus but a slight deviation from customary practice intended to restore the independence of the upper house.

The real object of Johnson's attack was not so much the assembly as the cabinet. Conservatives in Nova Scotia, as well as in Prince Edward Island, were particularly disturbed at the fusion of powers within the cabinet. As far as Johnston was concerned, this integration of power made the cabinet the political master of the province.⁴ He also suggested that it was possible that the cabinet was actually controlled by the Crown. This latter argument was adopted by the Islanders.⁵ In both cases, however, the conclusion remained the same—centralized power would lead to the triumph of one element of the constitution over the other two. Moreover, liberty of the individual could only be assured by a separation of power.

The Conservative demand for a division of power was contrasted with the Liberals' advocacy of centralization of power in the cabinet. The Liberals, however, showed much greater interest than the Conservatives in restricting

the type and range of government activity. Although the two approaches might well produce similar results, the Conservatives probably had a much more positive approach to the actual use of power. It was rather ironical that the Conservatives, and the Tories before them, should be labelled by the Liberals with the derisive label "the family compact". The Liberals were able to discredit the Conservative support for a separation of power without providing an effective refutation of the theoretical point concerning the nature of liberty. The call for a revitalized upper house, therefore, was an integral part of the Conservatives' view of politics and society. Their demand, therefore, went beyond a call for a revitalized upper house that could review, amend, or reject legislation proposed by the lower house. The Conservatives were not interested in establishing a chamber of second thought. They wanted a chamber which, in all respects, was independent of the lower house.

In 1850, in a reply to Johnston, Joseph Howe, a prominent leader in the struggle for cabinet government, defended the existing system as embodying the very essence of the British constitution.⁶ Basic to this view was the contention that the upper house expressed the principle of nomination, retained a certain separate role, and yet was unable to block the cabinet system or permanently obstruct the lower house. In 1851, while Howe was in England, George R. Young, a member of the government, agreed with Johnston that the upper house needed to be more independent. He also accepted the notion that an elective upper house would lead to the separation of the two houses and was desirable in itself. Johnston's proposal was well designed to attract those liberals who wished to make the upper house responsible to the people and yet continue to provide a check against democracy. The difficulty, as Young recognized, was that a strengthened upper house would be able to obstruct the assembly and to cripple the cabinet. Although Young, on behalf of the government, promised to consult both the people and Great Britain on the proposal, nothing was actually done. When Johnston revived the subject in 1852, Howe remained opposed to an elective council.⁸

The attack on the cabinet, begun in Nova Scotia, was repeated in Prince Edward Island, although local conditions produced some variations. An election on the Island in February, 1850, resulted in a Liberal majority of eighteen out of the twenty-four seats in the assembly. Lord Grey hesitated, however, in granting cabinet government. Behind this delay lay the suspicion that the Islanders wanted self-government as a means of attacking and destroying the rights of the property owners as a quick solution to the long-debated land problem. Finally, in 1851, Lord Grey authorized the establishment of

cabinet government, but he was careful to issue confidential instructions to the governor, Sir Alexander Bannerman, to take stern measures if the tenants revolted against the property owners.⁹

In view of the violent opposition to the introduction of cabinet government on the Island, it was somewhat surprising that the upper house did not come into conflict with the assembly. Some fortuitous vacancies helped, as did some conversions in political allegiance. Colonel Swabey and Charles Young, both appointed to the council by the Tories in the early 1840s, became members of the Liberal government of George Coles. In the general election of 1853, however, the Conservatives won fourteen of the twenty-four seats in the assembly. The upper house, still dominated by Liberals, blocked several government bills in the legislative session of 1854. Before the government could take any action, Governor Bannerman dissolved the legislature and called new elections. The governor, who had a strong belief in the prerogative and a strong dislike for the Conservatives, justified his action on the grounds that the government intended to attack the cabinet system by barring all officeholders, including department heads, from sitting in the assembly.

The Liberals, aided by the enlarged franchise, were returned to power in 1854 with eighteen seats as compared to six for the Conservatives. Defections amongst Coles' supporters in the assembly soon began. The Premier also had difficulty in filling his cabinet from the members in the assembly, and his attempts to bring outsiders into the assembly by means of bye-elections ended in defeat. As a result Coles turned to the upper house, and by 1858 five of the nine members of the cabinet sat in that chamber.¹⁰

The intensity of the Conservative attacks against the council was thus partly due to its very prominence and influence. For the Conservatives, who looked upon the upper house as their particular preserve, the situation was intolerable. In 1853, speaking in support of his notion to apply the elective principle to the upper house, one member of the assembly stated that his bill was an attempt ". . . to defeat the ambition of arrogant, self-conceited, ignorant, noisy, empty-headed demagogues in filling places that should be occupied by the most intelligent, the most moderate, the most upright and the most independent men in the colony."¹¹ Such denunciations were only part of the rhetoric against cabinet government. The Conservatives, already aroused by the changes introduced by Lord Grey in 1851, were incensed by the dismissal of the Conservative majority in 1854. This action by the governor, however, was not a solitary aberration from self-government in the Island. The interference by Bannerman and his successors into local affairs,¹² as well as the continued

close supervision by the colonial office, indicated that much of the form and the practice of self-government were lacking. It was misleading to interpret Island politics according to a model based on the practice in some other place. The Conservative charge that the changes merely enabled the Colonial Office to exercise more effective control over the colony¹³ was exaggerated, but the introduction of departmental government on the Island did not lessen the effective control held by the Colonial Office. The Conservative campaign in the 1850s was not, therefore, a complete rejection of responsible government, because important aspects of the policy were not applied to the Island.

The proposals for an elective upper house in Prince Edward Island in the early 1850s were not specific as to details, but they were obviously intended to appeal to the more prominent, or "independent", residents. In attacking the proposal, the Premier, George Coles, relied on the argument that the assembly should dominate the legislature and that the council should retain the principle of appointment by nomination.¹⁴ The idea of an elective upper house did not at first have the support of such prominent Conservatives as Edward Palmer, but the idea gained in popularity. By 1857 even Coles was expressing sympathy for the principle of election, although he made no attempt to implement the proposal.¹⁵

In Nova Scotia Johnston tried to carry out his attacks on the cabinet by advocating such innovations as the establishment of municipal bodies, which would limit the power of the cabinet. The Conservatives followed similar tactics on the Island, but their main policy consisted in proposing that all salaried officials be excluded from the legislature. According to this scheme, the government would consist only of unsalaried members of the legislature, who would report to and be responsible to the assembly for the various government departments.¹⁶ Similar proposals, intended to separate political and executive forms of government, had been made in Nova Scotia,¹⁷ as well as in other colonies, during the 1840s, but they had been virtually abandoned with the introduction of cabinet government. The Conservatives on the Island were unwilling to follow Johnston's lead of merely impeding cabinet government. They much preferred an outright attack on it.

To the Conservative Islanders, the principal offence of cabinet government was that the cabinet was the only body capable of challenging the political and social power of the landowners and merchants. The Conservatives on the Island may well have been more concerned with such issues as property rights than were the Conservatives in Nova Scotia. The Island Conservatives may also have enjoyed more power than did their fellows on the

mainland. And one of their objections to the cabinet was that it could compete, during an election, with the ledger influence of the merchant by offering a job, or by the promise of a bridge.¹⁸ Although the Conservatives spoke of the rights of the people, they meant by this the responsibility of the government to the electorate, and they disregarded the rights of the individual to participate in politics. In this the Conservatives were keeping in line with the main emphasis of the Liberals and of cabinet government, which also stressed the responsibility of the government to the people. It was this distinction in the meaning of government responsibility to the people that enabled some Conservatives in Nova Scotia to oppose the secret ballot but support universal male suffrage. The Conservatives were thus not concerned about the political rights of the individual, and they saw that the cabinet threatened to intervene between the landlord or merchant, and his tenants or debtors. This challenge did not only affect the immediate interests of the respectable elements. It also attacked their belief in a properly ordered society. It was possible, of course, that the power of the cabinet could reinforce the influence of the landlords, but they did not need this help, and the question of the role of the cabinet had not taken this form. This social and political problem of the cabinet involved one common point, which was stressed in Nova Scotia in particular—the need for separation of powers in the political institutions of the colony.

The Conservative party's list of grievances against the combination of executive and political power in the cabinet was lengthy. Essentially, the Conservatives contended that the cabinet, and the political parties which in their opinion owed their strength to the power of the cabinet, inevitably led to corruption. The cabinet, because it was not accountable to any other political body, was certain, they declared, to abuse its powers.¹⁹ Furthermore, the necessities of party would lead the cabinet to violate law and order for the sake of its political supporters.²⁰ The political ramifications of the cabinet were thus bad, not only in themselves, but also in that they created a combination which no individual could combat. Both the methods and the results of the party system and of the cabinet led to the decline of the more reputable elements of society. In attacking the cabinet and advocating an elective council, the Conservatives were merely trying to preserve a position for the influential and the wealthy. This was not intended as a reward for wealth. They believed that the possession of wealth, as well as the proper background and sound morals, were the prerequisites for independence. And a place had therefore to be found for independent men rather than for party men.

The demand for a separation of authority was in keeping with a long

tradition of British political thought. The suggestion, however, that the political role should vary with the moral and social performance of the individual was more in keeping with certain aspects of liberalism or republicanism. It was notable that the belief in the necessity for a separation of power was found in both American republicanism and in traditional British thought. It was sometimes fruitless to try to plant a flag on each political statement, particularly since both main political traditions found in the Maritimes developed, to some degree at least, in similar directions. It was therefore logical that some Conservatives on the Island, disgusted at British support of cabinet government, would turn for support of their argument for a division of power to American practice. This tendency was particularly marked on Prince Edward Island in the early 1850s. Perhaps the location of the Island and its small size provided its politicians with a freedom of choice which was lacking in Nova Scotia. Some may, indeed, have begun citing American precedent out of spite towards England and then found themselves attracted to other aspects of republicanism. Others may only have been interested in finding favourable precedents, regardless of the source, and remained politically eclectic. Others may have combined a belief that government should be responsible to the people with a belief in the separation of power.

If the Conservatives' approach did contain diverse strands, it was probably a reflection of the varied nature of the Conservatives themselves. Some of them came from well-established families, who regarded their responsibility of providing public leadership as a serious duty. It was also possible that not all of these Conservatives welcomed the proposal. Edward Palmer, member of the assembly since 1835 and leader of the Conservative party, admitted in 1857 that he had at first wanted to maintain the principle of nomination.²¹ Among the Conservatives, however, were men such as James Yeo, who had been a drunken bankrupt carter in the West Country in England, and who had migrated to the Island around 1820.²² By 1850 he had emerged as a land agent, a landowner in his own right, a prosperous merchant, and one of the more active shipbuilders on the Island. Yeo, who supported the proposal for an elective upper house,²³ contented himself with praising the virtues of hard work and individual responsibility. Although most of the prominent families owned land, they were also frequently involved in shipping and commerce. Thus, some Conservatives may have yearned for the traditions of a landed gentry; others had a very dynamic, commercial outlook. Moreover, the power of Yeo and other merchants was probably increasing as exports and ship-building increased rapidly throughout the 1850s and the 1860s. Certainly no mere

tinkering with the constitutional machinery was to be allowed to destroy their political power.

While the Conservatives on the Island were challenging the Liberal government, in Nova Scotia the Conservatives managed to gain office in 1857. They did it, however, not because of their own strength, but because of a religious quarrel which caused eight members, including the Speaker, to join the Conservatives in bringing down the Liberal government. Johnston, who became Attorney-General and Premier, made room for these new supporters, but certain antagonisms and disagreements over policy remained. This was particularly relevant to the question of the upper house, because such recent converts as James McKeagney had previously opposed the introduction of an elective house.²⁴

In 1858, Johnston introduced into the assembly a bill to provide for the election of new members to the upper house and the filling of vacancies as they occurred in the existing council by the same method. The elected councillors would represent counties, without any attempts having been made to equalize population or land area. Qualifications for the franchise were to be the traditional forty shillings freehold, rather than universal male suffrage, which had been adopted in 1854.²⁵ In outlining his proposals, Johnston indicated that he was not committed to the details of the bill, but that he did want an upper house that was both a check on the assembly and responsible to the people.

One common criticism of the bill was that it was republican in spirit, and it was predicted that if the bill were to be adopted, it would be followed by attempts to elect the judges and the governor.²⁶ These charges overlooked the initiation of elective councils in a number of British colonies, including Cape Colony, Australia, and the Province of Canada in the 1850s. The charge of republicanism was probably intended primarily to embarrass the Conservatives, who in both Nova Scotia and Prince Edward Island did invite such an attack when they argued that the people, who paid the salaries of the council, should have the right to control it.²⁷ This argument could be used in the case of other officials, but the Conservatives had no such intention. Another line of attack on Johnston's proposal centred on the dangers to the cabinet and to the assembly of establishing an independent council. Johnston specifically stated that an elected upper house would have the right to initiate money bills. Several Conservatives, and particularly Solicitor-General Wilkins, were emphatic in their statements that an elected council would break the tyranny of the cabinet.²⁸ The familiar Conservative attacks on the cabinet drew forth the usual defence for an upper house based on nominations. No one appeared interested

in a proposal by John Locke of Liverpool that since the existing council was unsatisfactory, it should be abolished.²⁹

Included among the critics of the government bill was Stewart Campbell, who had been selected as Speaker of the assembly in 1854 and had remained in the position despite the change of government in 1857.³⁰ Several other government supporters disliked the bill, and on the vote of committee the first clause passed by only one vote. Rather than risk defeat or a serious split in government ranks, the premier withdrew the bill. Even if the bill had passed, it might have faced trouble in the upper house. In 1852, when the Conservatives had found themselves in a temporary majority on the council, they had passed a resolution advocating the principle of elections.³¹ However, whether the council would actually approve a bill which the assembly would pass in 1858 was open to question. Some members might have been pacified by the provision that sitting members should retain their seats. Tories, such as Mather Byles Almon, however, might have hesitated before they abandoned the principle of nomination. Certainly Almon, as president of the Bank of Nova Scotia and a prominent member of St. Paul's Anglican Church, was not noted for compromising on principles. Almon and some of his associates were losing their influence in provincial affairs, but they remained prominent in the council. Doubts of some members of the council might also have been strengthened by the argument, used by some members in the assembly, that an elective council was an efficient way of breaking the hold which Halifax had over the upper house. Of the twenty-one members of the council, at least ten lived in the city and seven counties had no representation at all.³² Thus, although Johnston apparently abandoned his bill because of his political weakness in the assembly, he might have been influenced by potential difficulty with his supporters in the upper chamber.

The essential moderation of Johnston's measure was well illustrated in contrast to the proposals for an elective council on the Island when the Conservatives were finally able to implement their scheme. In the general election of 1858 the Liberals elected sixteen members in a thirty-seat house. One Liberal member resigned, and when the Legislature met the government was unable to organize the house. Another election was called. The Conservatives, who since 1855 had mounted a strident attack against the Roman Catholics, managed to carry seventeen seats.³³ In forming his government the Conservative leader, Edward Palmer, insisted on excluding all department heads from the legislature.

Thus, despite the misgivings of the governor, the Conservatives carried

the first part of their proposals to alter the cabinet system. The second part, which involved the upper house, was more difficult because the Conservatives had only two supporters in the council. The Liberal majority in the council rejected only one government measure in 1859, but they did send a petition to England requesting the British government to reject the Conservative form of executive government.³⁴ In retaliation the assembly passed a bill, calling for an elective chamber, which they forwarded to England without first sending it to the upper house. This bill provided for the removal of the existing members and election of a new council made up of members with a property qualification of £500. The colonial office rejected the assembly's request but authorized the colonial government to add five new members to the council. Included in the new appointments was Edward Palmer, who continued as premier.³⁵ By 1861 the Conservatives gained control of the upper house for the first time in a decade. The assembly proposed to abolish the existing council and provided for its replacement by elected members who had a property qualification of £500. The upper house wanted the qualification raised to £1000, but it compromised on £600.³⁶ The Colonial Secretary, however, recommended that any restrictions be imposed on the voters, rather than on the candidates. In 1862 the legislature finally enacted an elective council bill with a franchise for electors of £100 leasehold or freehold.³⁷ Passage of the act provided the Conservatives with a measure of protection in the election of 1863 when they publicly admitted that they were abandoning their non-departmental system of government and returning to the usual practice of cabinet government.

The Conservatives on Prince Edward Island were able to pass their bill not only because they were stronger than the Conservatives in Nova Scotia, but because they were better able to shape the bill to suit their own wishes. The Conservatives on the Island thus abandoned the principle of nomination, but they demanded a highly restrictive bill. The Conservatives in Nova Scotia did not publicly suggest such a strict measure, and there was no evidence that Johnston actually wanted it. The merchants and landlords on the Island were more controversial than those in Nova Scotia, and they were apparently more influential. The contention of the Conservatives that an elected upper house would weaken the party system did emphasize that for many Conservatives social and political policies were based on universal truths. Consequently, there was no room for political parties based on principles because disagreement on basic concepts indicated error or ignorance.

To some extent the elective council proposal was a pragmatic response to a particular political situation. The Conservatives in both colonies adopted

some Liberal arguments with the primary purpose of bringing about a separation of power. Whether the measure was regarded as within the liberal or conservative tradition depended in part on whether emphasis was placed on the provision for elections or on the independence of the council. Johnston actually combined both approaches because he accepted a belief in the responsibility of the legislature to the electorate with a deep concern for the separation of power. Johnston in his attempt to reconcile the two premises definitely broke with the old Tory practice in the colony,³⁸ as well as with British practice. Johnston recognized that colonial institutions could not be perfect replicas of British models. Although his proposals for the legislative council and the consequent attack on the cabinet could possibly have resulted in novel changes, he did at least show a concern for the tradition of separation of power, which the Liberals were intent on ignoring. In several respects Johnston was more logical than were his Liberal opponents and his scepticism towards the cabinet system allowed him to anticipate arguments used in the Nova Scotia assembly by opposition members for several decades.

The course of debate in the two colonies indicated certain differences in tactics and motivation. To some extent this reflected a more bitter atmosphere in Prince Edward Island, but it was also the result of a more intelligent and sophisticated approach by Johnston, who exploited the belief in privilege and the Liberal fear of democracy. On the Island the merchants and landlords were more fearful of their position. It was perhaps because of their concern that the Islanders were particularly insistent that executive power be definitely separated from political power. The Conservatives in Nova Scotia also wanted a separation of power, but they were better able to adjust to the assembly, even with a cabinet, without too great a loss of position.

The council had been declining in influence for some time, and the introduction of cabinet government merely made this more obvious. The debate over the council did form part of the controversy over the cabinet system, but it was also part of a continuing evolution in the social and political institutions of the colonies. As for the council itself, it was noticeable in the 1850s that neither the Liberals nor the Conservatives in either colony were really willing to allow it any measure of independence in practice. This was particularly true in Prince Edward Island, where the Conservatives were determined to break the council when it was not constituted to suit their wishes. More than the mere working of cabinet government seemed to be involved in the gradual decline of the legislative council.

NOTES

1. Estimate derived from an unpublished biography of George Coles, prepared by Ian Robertson for the *Dictionary of Canadian Biography*.
2. In 1853 Governor Bannerman of Prince Edward Island, with the consent of his cabinet, suggested to the Colonial Office that appointments to the upper house and the selection of the President of the council belonged to the prerogative and should be made by the Governor without the advice of his cabinet. The Colonial Office ruled that in conformity with the spirit of responsible government, the Governor should seek the advice of his cabinet. See A. Bannerman to Sir John Pakington, January 27, 1853, Separate, C.O. 226/80; A. Bannerman to the Duke of Newcastle, March 24, 1853, Separate, C.O. 226/81. Microfilm, Public Archives of Canada.
3. Nova Scotia: House of Assembly, 1850. *Journals*, March 27-28, 1850, pp. 600-604.
4. Nova Scotia: House of Assembly, 1851. Debates, February 20, 1851, in *The Novascotian*, March 3, 1851.
5. *The Islander*, December 3, 1852.
6. *The Novascotian*, May 20, 1851.
7. Nova Scotia: House of Assembly, 1851. Debates, February 24, 1851, in *The Novascotian*, March 24, 1851.
8. Nova Scotia: House of Assembly, 1852. Debates, February 13, 1852, in *The Novascotian*, February 23, 1852.
9. D. C. Harvey, "Dishing the Reformers", Royal Society of Canada, *Transactions*, Third Series, XXV (1931), Section II, p. 37.
- 9a. Bannerman also cited other reasons, such as the point that the franchise act of 1853 had just come into effect and the assembly therefore should be submitted for the approval of the new electorate. However, he was greatly concerned about the effect of the proposed changes of the cabinet. He could well fear that office-holders whose appointment and removal would be regulated by statute would act as a check on the prerogative of the governor.
10. *The Islander*, January 29, 1858.
11. Prince Edward Island: House of Assembly, 1853. Debates, March 31, 1853, in *The Islander*, April 8, 1853.
12. F. MacKinnon, *The Government of Prince Edward Island*. Toronto, 1951, p. 86.
13. *The Islander*, December 3, 1852.
14. Prince Edward Island: House of Assembly, 1853. Debates, March 23, 1853, in *The Islander*, April 15, 1853.
15. Prince Edward Island: House of Assembly, 1857. Debates, April 9, 1857, in *The Islander*, September 18, 1857.
16. *The Islander*, September 29, 1852.

17. W. S. MacNutt, *The Atlantic Provinces*. Toronto, 1965, p. 233.
18. *The Islander*, May 9, 1856.
19. *Ibid.*, September 19, 1856.
20. *Ibid.*, October 24, 1856.
21. Prince Edward Island: House of Assembly, 1857. Debates, April 9, 1857, in *The Islander*, September 18, 1857.
22. Basil Greenwood and A. Gifford, *Westcountrymen in Prince Edward Island*. Toronto, 1967, p. 81.
23. Prince Edward Island: House of Assembly, 1857. Debates, April 9, 1857, in *The Islander*, September 18, 1857.
24. Nova Scotia: House of Assembly, 1851. Debates, February 21, 1851, in *The Novascotian*, March 10, 1851.
25. J. M. Beck, *The Government of Nova Scotia*. Toronto, 1957, pp. 116-117.
26. Nova Scotia: House of Assembly, 1858. Debates, March 3, 1858, pp. 111-112.
27. *Ibid.*, February 28, 1858, pp. 103-105.
28. *Ibid.*, March 6, 1858, pp. 133-134.
29. *Ibid.*, March 6, 1858, pp. 132-133.
30. *Ibid.*, March 3, 1858, pp. 108-111.
31. Memorandum of the Legislative Council to the Colonial Office, 1852. C.O. 217/218, Microfilm. Public Archives of Canada.
32. Nova Scotia: House of Assembly, 1858. Debates, March 3, 1858, pp. 115-118.
33. D. C. Harvey, *op. cit.*, pp. 37-44.
34. *The Islander*, May 20, 1859.
35. *The Islander*, January 30, 1860.
36. Prince Edward Island. Legislative Council. 1861, *Journals*, April 18, 1861, pp. 84-87.
37. F. MacKinnon. *Op. cit.*, pp. 100-104.
38. For an extended treatment of this argument for the years 1830 to 1850 see David A. Sutherland, "J. W. Johnston and the Metamorphosis of Nova Scotian Conservatism". (Unpublished M.A. thesis, Dalhousie University, 1967.)