

III

REPRESENTATIVE GOVERNMENT IN NOVA SCOTIA, 1755

[Trans.: Akins, *Nova Scotia Archives* (1869), pp. 710 ff.]*To the Right Honble. the Lords Commissioners for Trade and Plantations.*

May it Please Your Lordships,—

Pursuant to your Lordships' desire Signified to Us by Mr. Hill in his Letter of the 31st of March last setting forth, That a doubt having arisen whether the Governor and Council of His Majesty's Province of Nova Scotia have a Power of enacting Laws within the said Province and Jonathan Belcher Esqr. having transmitted to Your Lordships his observations thereupon inclosing to Us a Copy of the said Observations together with Copys of several clauses in the Commission¹ and Instructions of the said Governor of that Province referred to (all which are herewith returned) and desiring our opinion, whether the said Governor and Council have or have not a Power to enact Laws for the public Peace, Welfare and good Government of the said Province and the People and the Inhabitants thereof.

We have taken the said Observations and clauses into Our Consideration and are humbly of opinion that the Governor and Council alone are not authorized by His Majesty to make Laws till there can be an Assembly.

His Majesty has ordered the Government of the Infant Colony to be pursuant to his Commission and Instructions and such further Directions as He should give under his Sign Manual or by Order of Council.

All of which is humbly submitted to Your Lordships Consideration.

(Signed) WM. MURRAY.

RICHD. LLOYD.

April 29th, 1755.

Governor Lawrence to Lords of Trade and Plantations.

Halifax, 8th December, 1755.

My Lords,—

I have the honour by this opportunity to transmit to your Lordships the opinion of the Chief Justice² upon the manner of convening an Assembly in this Province. Tho' this is a matter, that in many of its parts, I am by no means qualified to judge of, yet I think it my duty to lay before your Lordships such reflections as have occurred to me upon so important a subject.

The general necessity of convening an assembly upon account of the present invalidity of the laws, being altogether a point of law, I can say no more upon that head than that the Laws are chiefly such, as it appeared indispensably necessary to make, for the good regulation of the Town of Halifax and the encouragement of its commerce, they were mostly made at the request of the Merchants, or the people whom they concerned, who have been perfectly satisfied therewith and have never made the least question of their validity that ever I heard, I have been well informed that at the first establishment of the Colony of Virginia, Laws were enacted in the same manner and continued in force until an Assembly could be easily convened for their confirmation.

The enclosed opinion seems to be founded upon the necessity of performing a promise made to the first Settlers of their having an Assembly. I believe from the first settlement of the Province to the present time the Governor has been required by the 86th Instruction to call an Assembly, by causing two Members to be elected for each Township, but as the Town of Halifax is the only place qualified to elect two members, they alone would not be sufficient to form an Assembly, therefore I humbly apprehend such a promise, cannot in any wise be said to have been broke through, but its performance not yet become possible, by the circumstances of the Province. As to the manner proposed by the Chief Justice for convening an Assembly at present, by electing 12 Members for the Province in the form of a County Election if it is to be any precedent for future elections, it will be attended with a very great inconvenience. As it is to be held

¹ See No. II.

Jonathan Belcher.