

The British Empire in the Atlantic: Nova Scotia, the Board of Trade, and the Evolution of
Imperial Rule in the Mid-Eighteenth Century

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Abstract**The British Empire in the Atlantic: Nova Scotia, the Board of Trade, and the Evolution of Imperial Rule in the Mid-Eighteenth Century****Thomas Hully**
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Despite considerable research on the British North American colonies and their political relationship with Britain before 1776, little is known about the administration of Nova Scotia from the perspective of Lord Halifax's Board of Trade in London. The image that emerges from the literature is that Nova Scotia was of marginal importance to British officials, who neglected its administration. This study reintegrates Nova Scotia into the British Imperial historiography through the study of the "official mind," to challenge this theory of neglect on three fronts: 1) civil government in Nova Scotia became an important issue during the War of the Austrian Succession; 2) The form of civil government created there after 1749 was an experiment in centralized colonial administration; 3) This experimental model of government was highly effective. This study adds nuance to our understanding of British attempts to centralize control over their overseas colonies before the American Revolution.

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INTRODUCTION

In the last two decades there has been an outburst of innovative scholarship on the British Atlantic Empire in the seventeenth and eighteenth centuries. The 1740s to the 1760s in particular have been identified as a period marked by rapid commercial and territorial expansion overseas, war with Britain's enemies on sea and land, as well as domestic political turmoil. All of these factors had a direct impact on British policy in terms of how British officials thought about Empire. How should the colonies be governed? Should the needs of Britain's colonial subjects be considered and accommodated when formulating Imperial policy, or should colonies be governed with Britain's material and strategic benefit in mind? These were but a few questions Hanoverian British politicians had to face in the later eighteenth century.

While Britain was only beginning to gain an Imperial foothold in India and Southeast Asia during this period, these questions were pressing in the North American colonies in the decades preceding the American Revolution. Historians of the 18th Century British Empire in North America have focused most of their energies on Britain's administration of the thirteen colonies which became the United States. Even within this scholarly focus, undue attention has been placed on the interactions between the thirteen colonies and Britain during the post-Seven Years War period from 1763 to the beginning of the American Revolution in 1776. Arguably, the period from the Peace of Utrecht in 1713 to the end of the Seven Years War in 1763 was just as crucial to the development of British colonial policy in the Americas.¹ In particular, the era of King Georges War in North America which began in 1744 (an extension of the War of the Austrian Succession in Europe) to 1763 can be identified as a crucial transition period for British colonial policy in the Americas. Therefore, this work will consider how British officials viewed the problem of the administration of the North American colonies during the period from 1744 to 1763.²

The British North American colonies, despite the fact that they were on the margins of the British Empire, were not conclusively conquered from the French until 1763, and were at an

¹ For an in depth study on the subject of this period in British Imperial history, see B. Simms, Three Victories and a Defeat: The Rise and Fall of the First British Empire, 1714-1783. For a call for the historiographical reinterpretation of British Imperial history in this period see P. Lawson, "The Missing Link: The Imperial Dimension in Understanding Hanoverian Britain," The Historical Journal, Vol. 29, No. 3, Sept, 1986; and "Sources, Schools, and Separation: The Many Faces of Parliament's Role in Anglo-American History to 1783," Parliamentary History, Feb 1995, Vol. 14 Issue 1.

² For a recent assessment of the Seven Years War, see D. Baugh, The Global Seven Years War, 1754-1763: Britain and France in a Great Power Contest.

embryonic stage in their development economically and politically; were still of significant strategic importance to colonial officials. The interactions between the “Canadian colonies” and the British Empire have most often been treated as an afterthought by scholars, if not ignored altogether. There are few recent detailed studies which examine how Britain sought to administer its Canadian possessions which it wrested from the French Empire. Nova Scotia, in particular, has not been treated adequately by the imperial historiography, and has not been satisfactorily examined from the perspective of the British authorities responsible for the colonies. Indeed, the maritime historian John G. Reid has stated that Nova Scotia, considered a marginal area of the British Atlantic Empire, has generally received little attention from British colonial historians from the founding of Halifax in 1749 until the Loyalist migrations of 1783.³ Little scholarship exists on how British officials thought Nova Scotia should be governed during this period in order to make it a stable British colony. Reintegrating Nova Scotia into the mid-eighteenth century British Empire and British imperial historiography is the goal of this thesis.

Conquered from the French in 1713 after the War of the Spanish Succession, Nova Scotia held special strategic importance for British officials and the Admiralty. The threat of war with France, Britain’s continental and imperial rival in the mid-eighteenth century, was constant. Between 1691 and 1756, British and French forces went to war with one another four times in different areas of the world including India, Continental Europe, and North America.⁴ As a colony Nova Scotia would prove to be crucial for containing and disarming the French in Quebec both during and after the Seven Years War. However, the new colony presented special problems for the British in terms of governance. One of the most important issues was the presence of the Acadians. Their ambiguous loyalty to the British was seen as an Imperial threat, a threat that led to their eventual expulsion in 1755.⁵ Before the colony could be politically

³ J.G. Reid, “Change and Continuity in Nova Scotia, 1758-1775,” in M. Conrad, ed., Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800, p.52.

⁴ For a more detailed discussion on the threat of Anglo-French warfare in this period see B. Simms, Three Victories and a Defeat.

⁵ The treatment of the Acadians by the British administration in Nova Scotia is central to the province’s eighteenth century history, and although some of the issues surrounding that treatment inevitably arise in this research, it is not the goal of this thesis to discuss the Acadian expulsions of 1755 to 1762. This regrettable event has been discussed in detail in other recent works such as D. Jobb, The Acadians: A People’s Story of Exile and Triumph; S. Ross, The Acadians of Nova Scotia Past and Present; and J. Grenier, The Far Reaches of Empire: War in Nova Scotia, 1710-1760, among many others. Most historians have come to the conclusion that British administrators falsely interpreted the Acadian’s refusal to swear allegiance to the British Crown as an intention to support the French in the Seven Years War, and chose to deal with them by treating them as foreign belligerents rather than neutral inhabitants of the province.

stabilized, the British were also forced to fight wars and counter-insurgencies against the French-allied aboriginal population of Nova Scotia between 1710 and 1760.⁶

Research on the mechanics of how British officials in London governed Nova Scotia is not entirely absent. Elizabeth Mancke's *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760-1830*, is an invaluable resource for scholars of the development of the American colonial polities in the eighteenth century. Mancke's study compares the historical development of Liverpool, Nova Scotia, and Machias, Maine from 1760 to 1830. Her study describes how a variety of factors such as land grants, imperial relationships with Great Britain, and religious revivalism determined how colonists settled these townships and responded to the American Revolution. Mancke's study shows that divergences in the political cultures of Machias and Liverpool originated in the seventeenth and eighteenth century attempts by the British metropolitan government to redefine center-periphery relations in the British Atlantic world.⁷ Mancke contends that while the political and social character of each township would ultimately be defined by the liberal impulse that shaped the Anglo-American world in the mid-eighteenth to early nineteenth century, liberalism in Nova Scotia would be more state directed and similar to British liberalism, while it was more privatized, corporate oriented, and more democratic in Machias. This was the result of institutional changes at higher levels of government and which local residents of the two townships had little or no say in formulating. Mancke argues that "these changes were particularly marked in Nova Scotia: Ownership of township land as tenants-in-common was prohibited; municipal governments were proscribed for decades; and localities had limited fiscal powers to provide services such as schools and roads." Local governments had little political independence and were dependent on the crown and colonial officials to approve even the most mundane administrative actions.

In Maine, part of the older colony of Massachusetts, the British metropolitan government attempted similar changes, but there the colonial government could block the implementation of

⁶ While this dissertation does not focus on French or Acadian perspectives on, or reactions to, British Imperial policy, or French Imperial policy, it is important to acknowledge that British expansion into Nova Scotia before 1763 did not occur in an imperial void. It is not the intention of this thesis to ignore the French and Acadian dimension of the imperial struggles over Nova Scotia, but due to space limitations it will focus on the British perspectives of British officials and policy makers. Some suggested reading for a greater understanding of French and Acadian perspectives includes B. Arsenault, *Histoire des Acadiens and Louisbourg: 1713-1758*; K. Banks, *Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713-1763*; R. Lahaise, *La Nouvelle-France*; N. Landry, *Histoire de l'Acadie*; E. Lockerby, *Deportation of the Prince Edward Island Acadians*.

⁷ E. Mancke, *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760-1830*, (2005), p. 1.

many changes or mitigate their impact.⁸ Mancke pointed to the relative age of the two colonies as being the crucial factor for this divergence in their development. Massachusetts (founded in 1629), and its offshoot Maine, had an established tradition of independence and local self-government which, only after the Seven Years War, Britain made serious attempts to curtail. By the 1760's, an important commonality among most of the American colonies was the sensibility that provincial governments should serve as a barrier against royal prerogative, and later parliamentary, intrusions and should enable and protect local rights of self-government. Nova Scotia, which was conquered by the British in 1710 and officially integrated into the empire as a colony in 1749 had no such tradition. Britain funded the creation of the colony's provincial government, and ensured that rather than serving as a barrier against metropolitan intrusions, it became part of an interconnected system of power reaching from Whitehall and Westminster to settlements such as Liverpool. Mancke concluded that in the case of Machias, metropolitan attempts to impose parliamentary authority were met with resistance and eventually revolution due to their tradition of local self-government. In Nova Scotia, although its residents may have shared some of the same concerns and suspicions as their American neighbors, the weakness of both its municipal and provincial governments prevented the development of organized ideological resistance to imperial policies.⁹ While an excellent piece of research, Mancke provides very little insight into the origins of the process by which Britain established centralized imperial authority in Nova Scotia before 1758.

The other recent comprehensive study which documents early British governance of the Canadian colonies is Philip Lawson's *The Imperial Challenge: Quebec and Britain in the Age of the American Revolution*, which focuses on Quebec in the years after its conquest from the French in 1760. The assimilation of Quebec into the British Empire presented a major challenge for Britain after the Seven Years War. Lawson argues that what is missing from the traditional scholarship on the genesis of the Quebec Act of 1774 is an explanation of its contemporary British context. In other words, how did British policy, which in 1760 was determined to force Quebec's French inhabitants to adopt Protestantism, British Common Law, and the English language, do an about face which led to the accommodative Quebec Act? To answer this question, Lawson examines the popular and parliamentary debates in Britain over Quebec, which

⁸ *Ibid*, p.157-159.

⁹ E. Mancke, *The Fault Lines of Empire*, p. 160-162.

he asserts “went right to the core of political and philosophical assumptions derived from the Glorious Revolution some eighty-five years before.” Lawson’s methodology includes the analysis of official documentation and contemporary correspondence, as well as press and pamphlet literature that reflected and amplified the political decisions being taken in London.¹⁰

Lawson argues that the problem of Quebec within British domestic politics has been underestimated, and that “what appeared a simple imperial issue in the early 1760s became a cause célèbre at the center of a domestic political debate between Lord Frederick North’s government and the popular and parliamentary opposition. Supporters of the Quebec Act, such as MP William Knox, believed that successfully integrating Quebec into the empire required no less than the adaption of the British constitution to meet the specific needs of the Quebec people, in religious as well as legal matters. The Quebec Act’s detractors, such as Edmund Burke and Joseph Mawbey, argued that the toleration of “popery and French influence,” was “offensive to English liberties,” to be passed by a “corrupt” British government. Knox castigated opponents of the Act, especially the Rockingham Whigs, as opportunists who based their campaign against the Quebec Act on a misrepresentation of the facts and motives behind the government’s action. In June 1774, Knox was quoted as arguing that:

Canada is a conquered country, and if we wish to preserve the allegiance of these people, and the advantages arising from our conquest, it would by no means be conducive to the end desired to change the established religion of the country... in this instance there is nothing more done than shewing indulgence which is generally shown to the conquered by the victor.

Lawson concludes that the deliberations over the Quebec Act “resulted in significant constitutional concessions in the development of imperial policy and very possibly domestic policy too.” The issue of Catholic emancipation was an explosive issue in British domestic politics, and remained so for the next fifty years as it was wrapped up in concerns over trade and empire. Lawson also suggests that part of the motivation behind the Quebec Act was to avoid the same problems in Canada that were occurring next door in Catholic Ireland.¹¹ Lawson’s study has raised awareness among imperial historians that some British officials and politicians were not ignorant of the problems entailed in governing colonies with populations considered to be inassimilable.

¹⁰ P. Lawson, The Imperial Challenge: Quebec and Britain in the Age of the American Revolution, pp.ix-x.

¹¹ P. Lawson, The Imperial Challenge, p. 147-51.

In order to more closely examine and understand what British officials did to more effectively govern colonial Nova Scotia, it is necessary to place it within the wider context of the British Atlantic. To accomplish this, this research must draw upon three separate historiographies which cover different aspects of British governance during this period. The first of these historiographies surveys domestic governance within Britain itself. England, which became part of Great Britain after the Act of Union of 1707, went through numerous upheavals, revolutions and wars throughout the seventeenth and eighteenth centuries, sparking considerable transformations of the English and British social and political landscape. Perhaps the most important of these transformations occurred after the Glorious Revolution of 1688-89, which saw Great Britain receive a new monarchy, and a new constitution which would lead to the gradual ascendancy of parliamentary authority over the royal prerogative.¹² The second body of scholarship examines the political relationship between Britain and its North American colonies. The major questions asked by these historians include: How did British policy towards administering the Atlantic colonies develop over the course of the seventeenth and eighteenth centuries; how did this change their relationship to one another; and how did the political development of the colonies themselves affect that relationship? The third body of research this thesis will draw upon is Atlantic history. A form of scholarship on the British Empire which has evolved into a cohesive field of study relatively recently, Atlantic historians attempt to examine the British Empire as the sum of its parts, rather than focusing on individual aspects of its development.¹³ These scholars examine the economic, political, military, legal and religious connections between the various regions of the British Atlantic. How did the interactions between Britain, its trading partners in continental Europe, trading posts in West Africa, and its various colonial possessions in the West Indies and North America affect the political, demographic, social, and economic development of all of these regions? The focus of the

¹² For some useful discussions on this period in English/British history, see J. Hoppit, *A Land of Liberty?: England, 1689-1727*; P. Langford, *A Polite and Commercial People: England 1727-1783*; and W. Prest, *Albion Ascendant: English History, 1660-1815*, pp.57-158.

¹³ For some of the principle works in Atlantic Historiography, see B. Bailyn, *Atlantic History: Concept and Contours*; D. Armitage and M.J. Braddick, *The British Atlantic World, 1500-1800*; and P.J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783*.

Atlantic historian necessarily is on the interconnectedness of all of the British Atlantic Empire's parts and how they affected one another.¹⁴

Historians who have scrutinized British domestic politics in the mid eighteenth century have observed that it was in a state of flux during this time period. A number of domestic, political and international problems were pulling British policymakers in different directions. No discussion of this subject is complete without first acknowledging the work of Sir Lewis Namier, widely considered a pioneer in studies of British domestic politics. His *England in the Age of the American Revolution*, published in 1961, revolutionized the field. Namier used a historical method which came to be known as collective biography as the basis for his work. This involved the painstaking analysis of parliamentary proceedings, as well as the correspondence, letters, journals, memoirs and all other relevant documents left behind by every British Member of Parliament (MP) in the later eighteenth century. Namier was able to draw two main conclusions from his analysis. The first was that local interests, not national ones, often determined how MP's voted. As Namier put it:

Each Member was bound by different, and often conflicting, loyalties, and was directed by various, frequently contrary, interests; his political action was the resultant of a number of factors, among which in most cases none so far predominated as party allegiance does at the present.¹⁵

His second conclusion was that the Tories and Whigs were far from being tightly organized political monoliths. In fact, both parties contained small, fluid and ever shifting groups or factions whose opinions were formed on an issue-by-issue basis, or by familial connections. In Namier's view, political corruption or ideological organization did not determine how MP's voted, personal ambition and vested interests did:

The division between Whigs and Tories existed in 1761, as before, and as it still exists in the body politic of England; it was latent in temperament and outlook, in social types, in old connexions and traditions. But it was not focused on particular problems, and did not therefore supply clear lines of division in politics; the old issues were worn out, while personal politics, which in the course of the last twenty years increasingly replaced party politics, were thrown into confusion by the accession of George III.¹⁶

¹⁴ For an excellent collection of essays on British Imperial history from an Atlantacist perspective, see Wm.R. Louis (ed), *The Oxford History of the British Empire*, Volumes 1-5; see also J.P. Greene, *Exclusionary Empire: English Liberty Overseas, 1600-1900*.

¹⁵ L.B. Namier, *England in the Age of the American Revolution*, p. 203.

¹⁶ *Ibid*, p. 180.

In relation to the Stamp Act crisis, Namier's conclusions suggested that there was far less consensus on the issue than there appeared to be. While Namier was mainly responsible for opening the historical field of inquiry on mid eighteenth century British politics, his approach came under attack in the 1960s and 70s on three broad fronts. First, some historians argued persuasively that, while Namier was justified in rejecting organized political parties as a major feature of parliamentary politics in the 1760s, his conclusions did not apply to the rest of the century. Second, many argued that Namier's approach was too narrow. Other historians began looking beyond the restricted world of political court and parliament and sought to discover the political culture of radical activists and protestors. Third, it was argued that Namier was willfully blind to the role of ideas, principles and prejudices.¹⁷ His narrow focus on the elites excluded a whole range of factors that not only affected the British domestic political scene, but affected imperial relationships and trade networks, and political interactions between metropolitan London and its colonies.¹⁸

For the purpose of this thesis, more contemporary sources of scholarship on British politics will be relied upon which widen the scope of enquiry begun by Namier. An array of literature expanding on Namier's work emerged beginning in the late 1960s, which addressed previously unexplored areas of British domestic politics, acting both as compliments and correctives to the Namierite approach. Using political pamphlets and other printed materials, historians began exploring the influence of the "middling sort." This group encompassed rising middle class gentlemen such as merchants, financiers, and wealthy industrialists. A historiography exploring the influence of the lower orders, such as wage workers, shopkeepers, artisans and other low income earners, also developed to provide an overarching picture of how British politics were molded in the eighteenth century.

Bob Harris builds on the important work of historians such as Paul Langford and Frank O'Gorman on the topic of domestic political developments in England and Britain in the seventeenth and eighteenth centuries.¹⁹ In his *Politics and the Nation: Britain in the Mid-Eighteenth Century*, Harris outlines the years 1740 to 1760 as a distinct political period. Often mistaken by the prevailing historiography as a period when little was accomplished in British

¹⁷ H.T. Dickinson, *The Politics of the People in Eighteenth-Century Britain*, p. 2.

¹⁸ For a critique of Namier by his contemporaries, see H. Butterfield, *George III and the Historians*, pp.193-299; L. Colley, *Lewis Namier*; and P. Lawson, "Sources, Schools and Separation," pp.12-14.

¹⁹ These works include P. Langford, *A Polite and Commercial People: England 1727-1783*; and F. O'Gorman, *The Long Eighteenth Century: British Political and Social History, 1688-1832*.

domestic politics, Harris emphasizes that this was actually a time underscored by anxious vulnerability in the face of the ambitions and power of France, which in turn drove a wide ranging search for national revival and shaped distinctive forms of patriotism. Rather than a period of political stagnation, mid eighteenth century Britain could be viewed as being in the grip of a period of dynamic transformation. An older political world shaped by party identities, the Jacobite threat, and a generation of politicians formed in the political conflict of Augustan England, was disintegrating. It was to be replaced after 1760 by a younger generation of politicians who created a political world in which landed society was finally united, the longstanding distinctions of Whig and Tory were eradicated or permanently disrupted, the tempo of popular politics became more insistent and clamorous, and demands for political reform took on a new force.²⁰

Harris's work seeks to uncover a series of unifying patterns and themes from what can easily be viewed as a very fragmented and confusing period in British political history. Centered around the broad themes of 'national revival'²¹ and the growing importance of British commerce and trade, Harris argues "that it is in the way in which the various elements of national revival were constituted and reconstituted, the links between them, the attempted reconciliations or pairings, that a great deal of what was characteristic of the period is to be discerned." Harris utilizes two methodologies to tackle the book's themes. First, Harris examines them through the "prism of politics at Westminster and St. James, and as reflected through the London press. Second, Harris analyses them through the "attitudes, interests, hopes, and projects of the upper and diverse middling ranks of society."²² Harris surveys a number of subjects for this purpose. One of these is the tension which existed between the "Country Interest," which represented the older political generation of Tories, Jacobites, and opposition Whigs, against a fragmented Whig oligarchy it viewed as corrupt and in betrayal of the principles of freedom which defined England's unique constitutional heritage.²³ Harris point out, for example, that the disappearance of Jacobitism and British success in the Seven Years War brought Ireland's standing within the British state under increasing scrutiny. This would lead to the view that the political control of Ireland by London needed to be reasserted, yet at the same time there was a recognition after

²⁰ B. Harris, *Politics and the Nation: Britain in the Mid-Eighteenth Century*, p.2.

²¹ For further discussions on the subject of 'national revival' in eighteenth century Britain, see G. Newman, *The Rise of English Nationalism: A Cultural History, 1740-1830*; and L. Colley, *Britons: Forging the Nation, 1707-1837*.

²² *Ibid*, p.20.

²³ *Ibid*, p.10.

1746 that it would be beneficial to the British nation to relax policies which oppressed Catholics. An increasing concern over the importance of trade and commerce for the British Empire led to state and voluntary initiatives which sometimes worked in tandem to boost British naval power and commerce, an example being the founding of the Free British Fishery Society in 1749.²⁴ Harris identifies the period from 1748 to 1754 as crucial for national revival. It is no coincidence that the Board of Trade was revitalized under Lord Halifax, and attempts to strengthen administrative control of the North American colonies were made during this time as concerns about French commercial growth were reaching their apex. War, rivalry and commercial competition with France fuelled British economic growth, and in turn created concerns that financial success led to social corruption. This sparked a social reform movement in England and Scotland for the “reformation of manners” in the 1750s codified by parliamentary legislation.²⁵

Underlying all of these developments was the world of insecurity and challenge posed by this competition with France. When the Seven Years War began in earnest in 1756, British politicians and military planners were hardly certain of the outcome.²⁶ Throughout the first half of the seventeenth century the French state was correctly characterized in the British psyche as possessing a powerful land army, a growing navy, and the very real threat of commercial and mercantile superiority over Britain.²⁷ In the face of this threat, patriotic and national identities among the Scottish, Welsh and English were unified and cemented during this time period with the help of an invigorated popular press.²⁸ Harris admits there are large gaps in his research, and his overemphasis on the 1750s as the period of time when Britons were most concerned about commercial competition with France ignores the fact that these concerns were already clearly evident by 1713-14. However, his work is a very valuable contribution to the British political historiography in its emphasis on how anxieties over Britain’s internal and external security gave

²⁴ For more on this topic, see B. Harris, “Patriotic Commerce and National Revival: The Free British Fishery Society and British Politics (c.1749-58),” *English Historical Review*, Vol.114, 1999.

²⁵ For more on corruption and moral reform in mid-eighteenth century Britain, see P. Langford *A Polite and Commercial People*; and R. Connors, “The Grand Inquest of the Nation: Select Committees and Social Policy in Eighteenth-Century England,” *Parliamentary History*, 14, 3 (1995); and “Parliament and Poverty in Hanoverian England,” *Parliamentary History*, 21, 2 (2002).

²⁶ See B. Simms, *Three Victories and a Defeat*; and D. Baugh, *The Global Seven Years War, 1754-1763*.

²⁷ For more on this subject, see, J. Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783*.

²⁸ B. Harris, *Politics and the Nation*, pp.4-16.

strength to the social, political, economic and religious forces which transformed British society.²⁹

British colonial historians have produced a vast literature which discusses the commercial and mercantile connections between the American colonies and Britain, as well as how the metropolitan officials approached the problems posed by administering the colonies from overseas.³⁰ Were economic, taxation, and trade considerations the primary determinants of how British officials approached the administration of the American colonies, or were they more concerned with geostrategic questions and territorial empire building? The political and administrative development of the North American colonies, referred to by these historians as the imperial periphery, and their interaction with the core, or metropolitan London, is central to this paradigm. One key feature of this scholarship is its emphasis on the process of negotiation and interaction with Britain, and the autonomous political development within the colonies. Seventeenth century Britain was not a juggernaut that could impose its will on the colonies through force. Therefore, to a certain extent, the colonies not only developed their own systems of governance but were able to resist certain policies imposed upon them by British colonial officials.

James Henretta's 1972 monograph "*Salutary Neglect: Colonial Administration under the Duke of Newcastle*" is intended as an analysis from the colonial perspective of imperial administration during the first half of the eighteenth century. Although Henretta's focus is on the Duke of Newcastle, he states that his methodology in the study is "less an individual biography than a group portrait," in which Newcastle appears among other administrators and politicians with interests in America. Central to Henretta's study is his examination of the system of colonial patronage, which he points out, has been dismissed by some historians as little more than private charity. Rather, in Henretta's view patronage, coupled with the ignorance of American affairs displayed by many British ministers and leading officials, was more sinister in its implications. He notes the observation of J.H. Plumb that: "Place was power; patronage was power; and power is what men in politics are after." Henretta admits that his study, rather than providing a complete picture of English colonial administration, is "an analytical framework

²⁹ For more on this topic, see P. Langford, *A Polite and Commercial People*; and R. Price, *British Society, 1680-1880: Dynamism, Containment, and Change*.

³⁰ Many aspects of these topics are discussed in the volumes of Wm.R. Louis (ed.), *The Oxford History of the British Empire*, Volumes 1-5.

which elucidates the often tenuous connection between domestic politics and imperial programs and patronage during the first half of the eighteenth century.”³¹

In Henretta's study of Newcastle's twenty four year reign as Secretary of State for the Southern Department, Henretta admits that in Newcastle's early years until about 1730, the young Duke brought enthusiasm and drive to his post, and resolved to uphold the highest standards of administration. From the 1730s onward, he slowly gravitated towards a “less elevated and enlightened position,” which saw its completion when the Pelham's ascended to power in the ministry in 1742.³² Henretta characterizes Newcastle's administration of the colonies as lacking any definite set of principles, programs or regulations, but rather remained flexible in order to cultivate the backing of influential “friends” within the Ministry and Parliament.³³ In the pursuit of “friends,” Newcastle focused on creating strong patronage networks in the American colonies to increase the number of offices in his gift, and in the process undercut the powers of the royal governors.³⁴ Henretta argues that the needs of the colonial administrations subsequently went largely ignored under Newcastle, the culmination of the era of “salutary neglect” of the American colonies. Henretta concludes that Newcastle's policies, and the acquiescence of other British officials and politicians in them, led to three major trends in colonial administration. The first was a gradual decline in the influence of proprietary factions in English domestic politics. The second was an increase in Parliamentary influence in the management of colonial affairs. Henretta identifies the 1729 revocation of the royal charter of the Carolinas and the purchase of the colony with Parliamentary funds, and the Molasses Act of 1733 as the turning points which illustrate these developments.³⁵ The third trend was the increasing politicization of the colonial bureaucracy in Britain. Offering colonial posts to placemen, Henretta charges, resulted in a significant decline in the standards of service. During Newcastle's time as Southern Secretary, “no concerted attempt was made to administer the political life of the colonies in a purposeful way...”³⁶ Henretta's study reaffirms the traditional view that the Walpole-Pelham era was one of little achievement and no vision, and the mismanagement and negligence of the administration forced the colonies to govern themselves

³¹ J. Henretta, “Salutary Neglect:” *Colonial Administration under the Duke of Newcastle*, pp.vii-viii.

³² *Ibid*, p.259.

³³ J. Henretta, “Salutary Neglect”, p.45.

³⁴ *Ibid*, p.260.

³⁵ For more on this topic see R.C. Simmons, *The American Colonies: From Settlement to Independence*.

³⁶ *Ibid*, pp.345-347.

and create the political basis of independence. The major weakness of this argument, however, is that Newcastle's control of colonial patronage to pay off English politicians does demonstrate an active involvement in colonial governance rather than "neglect," even if his policies were misguided. The effect of Newcastle's administration was not "salutary" either, but rather laid the groundwork for the American Revolution when his successors attempted to tighten their grip on colonial administration.³⁷

Jack P. Greene is one of the leading contemporary historians in the field of colonial administration, and has produced many important works addressing these issues. His innovative monograph *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607 to 1788* seeks to trace and analyze the developing structures and theories of constitutional organization in the extended politics of both the British Empire and the United States between the founding of Virginia in 1607 and the adoption of the federal constitution in 1788. Greene considers how these basic organizational questions were experienced and confronted in the British American context from the infancy of the thirteen colonies to their independence. In doing so he treats constitutional development as a process, and seeks to understand how colonials perceived their constitutional position within the empire at different times. The distinction between center and periphery is crucial to Greene's analysis; that is, the relationship between metropolis and colonies in the early modern British Empire as well as between dominant (and usually older) areas and subordinate (and usually newer) areas of settlement within individual colonies and regions.

Greene argues that traditional interpretations were lacking in discussions of the problems of constitutional organization. Using old fashioned methodology, Greene builds a picture of constitutional traditions out of speeches, letters and contemporary essays. His major contention is that such problems were fundamental to both colonial and revolutionary constitutional concerns, and stresses the continuity of constitutional issues from the American colonial period through to the revolution. Greene utilizes several key themes to illustrate this continuity: The fluidity and unsettled character of the constitutional situation within the British Atlantic empire; the parallels between the colonial and Irish constitutional situations in regard to Britain; the continuing

³⁷ For background on the political crises from 1763 to 1776 which led to the American Revolution, see the three volumes by P.D.G. Thomas, [British Politics and the Stamp Act Crisis: The First Phase of the American Revolution 1763-1767](#); [The Townshend Duties Crisis: The Second Phase of the American Revolution, 1767-1773](#); and [Tea Party to Independence: The Third Phase of the American Revolution, 1773-1776](#).

importance of custom in American and West Indian colonial constitutional developments; the novelty of parliamentary claims to jurisdiction over the internal affairs of the colonies in the 1760s and 70s from the Stamp Act to the Tea Act; and the powerful customary foundations which built the constitutional case for the American colonies as it gradually took shape between 1764 and 1775. Expanding his investigation, Greene analyzes how these debates continued among Americans, who had to decide how to divide power between the federal government and the individual states, after achieving independence between 1776 and 1788.³⁸

At the core of his argument, Greene contends that the pre-1776 British Empire never successfully reconciled centralized power with local liberties in the colonies. Greene dismisses the local charters as local rather than imperial, and suggests that the power distribution between the metropolis and the colonies was never clearly defined before 1763. While he acknowledges that the British state was successful at the economic control of the American colonies, but less so at political control, he sees these two spheres as very separate. The colonists were able to resist centralization by demanding the rights of English subjects, and gained these at the local level through their legislative assemblies and courts without the consent of London.³⁹ This process of negotiation meant local sanction from the peripheries was essential to endow any position of the center with constitutional authority, and vice versa. The recognition that an “imperial constitution” was an ambiguous concept emerged when Parliament attempted to assert its right to tax, and subsequently its right to legislate, for the colonies. Greene concludes that parliamentary encroachment on royal power after the Glorious Revolution of 1688 did not transfer those functions of royal prerogative over the colonies to the King-in-Parliament, but rather gave them to the colonial assemblies. The American Revolution, Greene contends, is a classic example of what happens when imperial policies are not accepted by both parties and do not attain constitutional legitimacy.⁴⁰ The British recognized the growing economic and strategic importance of the colonies throughout the eighteenth century. As the British state made more determined attempts to exert its authority over the American colonies, “not just the colonist’s inherited rights as Englishmen and their charters but also local usage and custom pushed the

³⁸ J.P. Greene, Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607-1788, p.ix-x. See also Greene’s two collections of essays which expand on this topic, Negotiated Authorities: Essays in Colonial Political and Constitutional History; and Interpreting Early America: Historiographical Essays.

³⁹ J.P. Greene, Peripheries and Center, p.59-66.

⁴⁰ *Ibid*, p.xi.

colonists still further in the direction of a wholly new conception of sovereignty in an extended polity like the British Empire.”⁴¹

Exclusionary Empire: English Liberty Overseas, 1600-1900, is a more recent work edited by Jack Greene, which expands these concepts into the British Imperial historiography. The work is a compilation of ten essays which explore the “transmission, application, adaptation, and operation of English liberty – especially as they involved consensual governance, trial by jury, and the rule of law” throughout the British Empire.⁴² Greene postulates that the English liberal tradition was central to British overseas expansion. From the seventeenth to the nineteenth centuries, “those traditions informed and shaped the British colonizing process at every stage and in every settler colony,” providing all settlers with a personal stake in the empire. This bred competing concepts of liberty that lead to resistance, and eventually rebellion in North America. In addition, there was also a paradoxical relationship between ideas of personal independence and liberty with the logic of exclusion, which limited the civic space accorded to dependant populations throughout the empire. These ideas of exclusion were inherited from Britain itself, manifested in English policies towards Irish Catholics. That these policies were transmitted to the colonies is evident in the West Indies and those areas of North America with large enslaved populations, and in South Africa and India where the majority of the population were dependant peoples.⁴³

Greene notes that this form of scholarship is too broad to fit within an Atlantic framework, and too narrow to represent a global perspective. Therefore, the best method of organizing this research is by taking an imperial approach.⁴⁴ The essays in this volume range widely across time, covering three centuries, and across space, from England and Ireland to South Africa, the Caribbean, North America, Australia, New Zealand, and India. The book also crosses several historiographical boundaries, brings together essays on both settler colonies and dependant colonies, and crosses the boundary between the early modern and modern British Empires. While the origins of exclusionary policy against cultural others is implicit throughout the book, it is not the work’s main theme. Instead, the focus is on the extent to which the traditional motifs of England’s history, the political and constitutional controversies at home that accompanied the

⁴¹ *Ibid*, p.128.

⁴² J.P. Greene, *Exclusionary Empire: English Liberty Overseas, 1600-1900*, p.ix.

⁴³ J.P. Greene, *Exclusionary Empire*, pp.xi-xii.

⁴⁴ *Ibid*, p.x.

initial phase of expansion overseas, remained the prevailing concerns of Englishmen within virtually all of the colonies. As Greene points out in his introduction, these concepts of liberty, especially in the decades following the Glorious Revolution, became the essence of English national identity. The political and governmental innovations which resulted from these ideologies were copied in the colonies. It is important to remember, however, that liberty was not for all Englishmen, only for those Englishmen who possessed sufficient property to be granted the right to the franchise.⁴⁵ It is therefore of little surprise that when Englishmen colonized other parts of the world, “systematic discrimination on religious or racial cultural grounds,” against indigenous populations was a direct result of these notions of liberty.⁴⁶

In illustrating this theme, Jack Greene’s essay on the West Indies emphasizes the extent to which Planter’s political concerns echoed mainland American demands for recognition of legislative privileges, but with a special value placed on the autonomous regulation of slavery. Robert Travers’s essay on India surveys the competing claims and shifting views of settlers, jurists, the East India Company, and members of Parliament on how best to administrate their Asian possessions.⁴⁷ One of Travers’s conclusions is the observation that Indians did not live up to the image of the obedient subject which was ascribed to them by many Britons as simply part of their racial character. Elizabeth Mancke’s essay surveys the spectrum of English liberties which the North American colonists treasured.⁴⁸ Mancke suggests that the value colonists placed on the right to trade freely – the liberty of commerce – deserves special attention from the imperial historian. James Kelly’s essay on Irish politics in the eighteenth century observes that Protestant claims for traditional English rights of self-governance collided, after 1789, with competing demands not only from Ireland’s Catholic majority but also from middle-class Protestants.⁴⁹ This situation led to the Irish Parliament’s decision to approve its own dissolution, anticipating a later, similar action in the West Indies. Eliga Gould’s essay discusses the legacy of the American Revolution by illustrating that the claims of unlimited parliamentary jurisdiction over the empire asserted before 1776 were sharply tempered by the lessons of 1783.⁵⁰ While the

⁴⁵ *Ibid*, pp.3-5.

⁴⁶ J.P. Greene, *Exclusionary Empire*, p.24.

⁴⁷ R. Travers, “Contested Despotism: Problems of Liberty in British India,” in J.P. Greene (ed.), *Exclusionary Empire*.

⁴⁸ E. Mancke, “Languages of Liberty in British North America, 1607-1776,” in *Ibid*.

⁴⁹ J. Kelly, “Era of Liberty”: The Politics of Civil and Political Rights in Eighteenth-Century Ireland,” in *Ibid*.

⁵⁰ E. Gould, “Liberty and Modernity: The American Revolution and the Making of Parliament’s Imperial History,” in *Ibid*.

framework of this compilation is mainly political and constitutional, and defines the social aspects of empire largely in terms of who was qualified or disqualified for inclusion in the polity, this work still provides an excellent foundation for more research on exclusionary concepts within the British Empire.

Planter studies are a relatively new field of research within the larger framework of Atlantic Canadian studies. This field of enquiry generally focuses on those communities founded and settled by New Englanders in Nova Scotia in the 1760s. *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*, edited by Margaret Conrad, is a selection of papers which was presented at the second Planter Studies Conference held in October 1990. The intention of this collection is too focus on the “Planters in the wider Nova Scotia contexts of the second half of the eighteenth century.” In her introduction, Conrad discerns that the conference left its participants aware of a “daunting sense of the complexity of Nova Scotia society in the eighteenth century.” For Conrad, a general observation that can be gleaned from Planter studies in this period is best described in the words of maritime historian John G. Reid: The Planters and other Nova Scotians living in this period were faced with “a profound societal realignment. What was continuously taking place was the devising of collective strategies by peoples who had seen their lives profoundly changed by the geopolitical events of the 1750s and early 1760s and who now had to adapt as best they could to the political and environmental contexts that were unfamiliar to them.”⁵¹

The essays in this collection are divided into four broad ranging sections which cover a wide variety of topics in order to elucidate this theme of adaptation, including genealogy, archaeology, religion, literature, architecture, map-making, and music. The diversity of Nova Scotia’s pre and post-revolutionary culture is also illustrated by contributions on non-planter societies and communities; the Germans, Blacks, Mi’kmaq, Scottish and Irish and Quakers. Hints also emerge of the discrimination, neglect, and harsh treatment some of these minority groups received. Among the more important essays in this volume for this thesis is John G. Reid’s “Change and Continuity in Nova Scotia, 1758-1775,” which discusses the topic of adaptation by both Planters and non-planters in Nova Scotia. Reid suggests that if linked to imperial changes of the 1760s, comparative studies of Nova Scotia with other marginal areas of mid-eighteenth century North America such as Florida and Louisiana could reveal a great deal

⁵¹ M. Conrad, *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*, p.9.

more about the adjustments settlers were forced to make to survive and prosper.⁵² Julian Gwyn's "Economic Fluctuations in Wartime Nova Scotia, 1755-1815," reveals just how difficult it was for Planters to achieve economic prosperity. Gwyn makes it clear that British public spending, chiefly on wartime activity, was central to Nova Scotia's economic activity but as "the basis of sustained growth it was exceedingly ephemeral and inadequate."⁵³ Furthermore, agricultural development was greatly stunted by the Acadian deportations which he aptly describes as akin to a form of "econocide... unparalleled in British colonial history either of the seventeenth or eighteenth century."⁵⁴ Barry Moody's study of land transactions and inheritances in Granville Township discusses questions of the possible breakdown of closed communities and the weakening of generational, largely patriarchal controls. Moody concludes that the control of property and its transmission from one generation to the next are vital issues, possibly more important than politics and religion, in understanding the shape of and divisions within society."⁵⁵ B.C. Cuthbertson's "Planter Elections: The First One Hundred Years," analyses election results in Planter constituencies to ascertain who had the greatest share of political control in Nova Scotia into the nineteenth century. He concludes that merchants, often using the leverage provided by the debts and mortgages owed to them, "and often as members of local family compacts were able to exert... a high degree of political influence."⁵⁶

Conrad and others speculate in the final section of the volume on the direction that Planter studies could take in the future. There is little consensus on what approach would be more beneficial; more archaeological work or a new synthesis of the existing work? Is studying the Nova Scotia Planters in the context of Maritime-New England sufficient, or is a broader comparative base required? Despite the differences in opinion on where Planter studies should go next, Conrad makes three broad conclusions about this research. Firstly, it is broadly conceded that the multi-disciplinary approach of Planter studies adds value to the existing historiography and may lead to new scholarship in the future. Secondly, a larger cultural and comparative context is more rewarding than simply focusing on the Planters themselves. Finally, participation from the general public in Nova Scotia, drawn from Planter descendants, brings a

⁵² *Ibid*, pp.58-59.

⁵³ M. Conrad, *Making Adjustments*, p.88.

⁵⁴ M. Conrad, *Making Adjustments*, p.72.

⁵⁵ *Ibid*, pp.178-179.

⁵⁶ *Ibid*, p.262.

vibrant and genuine current to the field.⁵⁷ For the purpose of this dissertation, the emergence of a planter community in the province not only accelerated the need for stable civil governance, but proved foundational for those processes itself.

Building on recent studies of Nova Scotia in the eighteenth century, John G. Reid's *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries* is a collection of twelve essays which span Reid's four-decade career in studies of the north-eastern American colonies, as well as a number of historiographical evolutions. The essays cover the gamut of historiographical traditions from Aboriginal history, Imperial history, as well as British and French Atlantic history. Reid's approach to the study of this region "is to separate for analytical purposes – but consistently juxtapose – the closely related processes associated with the colonial, imperial, and aboriginal facts in North America." Specifically, Reid's work focuses on the processes of colonial habitation, imperial exchange, and aboriginal engagement. For Reid, colonial habitation captures a wide variety of situations in which western Europeans resided for short or long periods of time in north-eastern North America. Reid proposes that the term 'colonial habitation' should be used to counterweight two common but flawed notions. The first is the idea of the colony as an essentially institutional phenomenon; the second is the Whiggish belief that small-scale colonial communities must necessarily, unless they should fail, be the prelude to the growth of larger ones and thus form part of the ineluctable process by which North America became a colonized space.⁵⁸ Imperial exchange can be associated in part with the operation of the state in its manifold forms. At times, the state could either promote or discourage colonial settlement and economic development of overseas communities. It could also seek to actively intervene politically or militarily to govern subjects or make alliances with Aboriginal neighbours, or it could use less active strategies such as co-opting members of colonial elites to act as its agents. Yet, imperial exchange was not restricted to the activity of the state; it could also be initiated by commercial enterprises, religious missions, or movements to meld legal cultures. The process of Aboriginal engagement must be understood in the context that the European presence in the north-eastern colonies was still only marginal during the seventeenth and early eighteenth centuries. Despite this, non-Aboriginal intrusions in these regions were persistent enough to emerge as a substantial factor placing demands on Aboriginal

⁵⁷ *Ibid*, p.11.

⁵⁸ J.G. Reid, *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries*, pp.11-15.

leaderships. These demands by the European settlers could take many forms, including requests for trade and alliance to the dilemmas presented by assertions of superiority, land appropriations, environmental degradation through agriculture, and even military aggression. These elicited varying responses from Aboriginal tribes. Reid argues that while the each of these processes became pervasive phenomena throughout early modern north-eastern North America, it is important to stress that these were processes rather than state structures, “the variations within each were considerable, and they were interactive.”⁵⁹

Colonial habitation and imperial exchange are the focus of the first two sections of Reid’s book. In contrast with the more successful southern New England settlements, European colonies in the northeast that ended in failure, like New Scotland, were the norm rather than the exception in the seventeenth century, illustrating the complex nature of imperial exchange.⁶⁰ Reid also surveys how the failure to recognize Acadian and Mi’kmaq influence in Nova Scotia during the 1713 negotiations at Utrecht forced the British into a negotiated diplomacy which provided a temporary peace. But in the years to follow, this policy left the region vulnerable to competing visions of local power relations.⁶¹ Reid examines Aboriginal engagement in the third section. Studying interactions between the Wabanaki tribes of the Massachusetts/Maine region and the European settlements, he concludes that contrary to what used to be believed; even “a nation waging non-state warfare” like the Wabanaki could still be pursuing strategic objectives. Reid notes that well into the eighteenth century, the Wabanaki were too powerful to be ignored and “imperialism remained a negotiated process.”⁶² Finally, Reid reflects on the commemorations of the 400 year anniversary of the founding of the St. Croix settlement and Samuel de Champlain’s visit to Petite Riviere in 2003-04. Rather than viewing these events as shining examples of colonial triumphalism, Reid reminds the reader that the seventeenth century history of the Maritimes is “primarily aboriginal history,” which did not mark the beginning of European hegemony in the region, but the “unique form of wary but healthy mutual regard” that evolved between the Aboriginal and Acadian populations.⁶³ Taken together this collection of essays demonstrate the complexity of Aboriginal/European interactions during this time period, as well as the importance of contrasting Aboriginal, colonial, and imperial perspectives to illustrate this

⁵⁹ *Ibid*, pp.15-18.

⁶⁰ J.G. Reid, *Essays on Northeastern North America*, p.68.

⁶¹ *Ibid*, pp.124-125.

⁶² *Ibid*, pp.143 & 217.

⁶³ *Ibid*, pp.231-232.

non-linear, negotiated process that defined north-eastern North America. It is into this fluid indigenous and imperial picture that the establishment of the British colony of Nova Scotia needs to be incorporated and understood.

Historians of the British Atlantic have taken an integrative approach that examines two major themes. The first is the importance of the role of metropolitan ideological and cultural imperatives in shaping the political and constitutional development of colonies, as well as the importance of negotiation between the colonies and Great Britain in shaping imperial policy, as popularized by Jack Greene. The second are macro and micro examinations of the transmission of cultural substance between different areas of the Atlantic through imperial activity. This includes the examination of immigration patterns, communications, and the dissemination of political and social ideologies.⁶⁴

Bernard Bailyn is considered one of the forerunners in the field of Atlantic history, and this thesis must pay tribute to his scholarship. His book *The Ideological Origins of the American Revolution*, explores the communication of ideas across the Atlantic and how they contributed to American revolutionary thought. This book is the revised and expanded version of his essay “The Transforming Radicalism of the Revolution,” first published as the introduction to his *Pamphlets of the American Revolution*. Bailyn examines a plethora of publications on political theory, historical essays, sermons, correspondence and poems on the subject of republican thought in eighteenth century England and the American colonies. Previous historiography, Bailyn argues, had already proved that the thinkers who endorsed the American Revolution were expressing ideas of “natural rights philosophy: the ideas of the social contract, inalienable rights, natural law, and the contractual basis of government.” All of these elements were present in enlightenment thought of the eighteenth century. Examinations of religious sermons in the Americas during this period had also revealed the presence of revolutionary ideas, whether they were defined as a “continuing belief in original sin and the need for grace,” or “deliberate propaganda.”⁶⁵

Where Bailyn’s study departs from previous work is in his discovery of another pattern in American revolutionary thought. Bailyn argues that the “distinctive influence” of “early

⁶⁴ Other notable works in this field include P. Lawson, ed., Parliament and the Atlantic Empire; I.K. Steele, The English Atlantic, 1675-1740: An Exploration of Communication and Community; and N. Rhoden, ed., English Atlantics Revisited: Essays Honouring Professor Ian K. Steele.

⁶⁵ B. Bailyn, The Ideological Origins of the American Revolution, pp.v-vii.

eighteenth-century radical publicists and opposition politicians in England” had been transmitted to the colonists, bringing with it “the peculiar strain of anti-authoritarianism bred in the upheaval of the English Civil War.” Bailyn concludes that this literature was not merely propaganda intended to sway “the inert minds of an otherwise passive populace.” The writers of this literature were genuinely fearful of “a comprehensive conspiracy against liberty throughout the English-speaking world,” and this “lay at the heart of the revolutionary movement.” This conspiracy was thought to be nourished by the corruption of the ruling Whig oligarchy in Britain, and characterized partially by the oppression of the American colonists. While Bailyn’s presentation of the evidence is convincing, he seems somewhat confused about when this transformation in American political and social thought really began. He argues that this transformation to revolutionary thought becomes evident in the 1760s. Yet later on he postulates that the “Revolutionary ideology could be found intact as far back as the 1730’s; in partial form it could be found even farther back, at the turn of the seventeenth century.”⁶⁶ He classifies a number of American religious publications in the 1730s which “stimulated confidence in the idea that America had a special place... in the architecture of God’s intent.” He also identifies a “prototypical American treatise in defense of English liberties overseas,” published in Maryland in 1728, which he states is “indistinguishable from any number of publications that would appear in the Revolutionary crisis fifty years later.”⁶⁷ The importance of Bailyn’s work for scholars of the British Atlantic Empire, however, lies not in the chronological accuracy of his claims but in its demonstration of the communication of ideas across the ocean, and how they affected the course of imperial history. Other scholars such as Ian K. Steele, David Armitage and Jack Greene⁶⁸ have extended the study of cross-Atlantic communication to include the transmission of administrative systems, cultures, populations, legal systems, and many other aspects of empire, to and from the various regions of the British Atlantic.

P.J. Marshall’s groundbreaking *The Making and Unmaking of Empires: Britain, India and America c.1750-1783*, makes an invaluable contribution to the understanding of British rule over its empire in a global context. Marshall contends that the outcome of the American Revolution did not denote the end of a “first” British empire and the beginning of a “second” empire, as

⁶⁶ B. Bailyn, *The Ideological Origins of the American Revolution*, pp.viii-xi.

⁶⁷ *Ibid*, pp.33 & 43.

⁶⁸ I.K. Steele, *The English Atlantic, 1675-1740*; D. Armitage and M.J. Braddick, *The British Atlantic World, 1500-1800*; and J.P. Greene, *Exclusionary Empire*.

earlier historiography has maintained. To prove this, Marshall organizes his analysis of how Britain projected its power around two concepts: Expansion and empire. Expansion is roughly equivalent to the notion of “informal empire,” stressing the manner by which commerce, migration and the diffusion of culture acted to create “communities of British sentiment within the colonies. “Empire” refers to ideas of coercion and rule as seen through the imperial ambitions and capacities of the British State. Marshall argues that the British, as a result of the Seven Years War “were showing an increasing determination to exert an effective authority over British possessions overseas.” The older ideal of a British Empire that was “Protestant, commercial, maritime and free,” was seen as increasingly inadequate after 1763.”⁶⁹

The basis for Marshall’s analysis is in a comparison between British rule in India and in the American colonies. Marshall contends that during this period the British were uninterested in assimilating Indians into British systems and norms due to their lack of cultural similarity. As a result, British officials were more open to making accommodations with local Indian elites. By contrast, British officials and the public mistakenly concluded that American colonists shared and understood the same political and economic interests that Britain did. The attempt to impose Parliamentary authority and taxation on the colonies in order to finance imperial ventures inevitably caused outrage among colonial officials and ultimately revolution. As Marshall concludes, the post-1783 imperial “process of integration did not mark the launching of a second empire in compensation for the one that had been lost in North America, but that it had moved in tandem with attempts to integrate the thirteen colonies more firmly into the empire too.”⁷⁰ Attempts to solidify imperial rule over India and America were driven by the same motivations, but through different methods and with very different results. Marshall’s study employs a similar technique to Namier’s collective biography, which he calls the study of the British “official mind.” The motivations of ministers, officials and their advisors, army generals, admirals, royal governors overseas, and MP’s who took an interest in empire are analyzed through their official correspondence, private journals and memoirs, and reports on parliamentary debates.⁷¹ For the purposes of this thesis, Marshall’s work will be crucial for placing Nova Scotia within a broader and interconnected British Atlantic context.

⁶⁹ P.J. Marshall, The Making and Unmaking of Empires: Britain, India, and America c.1750-1783, p. 5-6. See also C.A. Bayly, Imperial Meridian: The British Empire and the World, 1780-1830.

⁷⁰ P.J. Marshall, The Making and Unmaking of Empires, p.378.

⁷¹ *Ibid*, p.9.

James Henretta's work is also central to this thesis in terms of re-evaluating Nova Scotia's place within the British Empire. "Salutary neglect" ostensibly applied equally to all of the North American colonies until the end of Lord Halifax's reign as President of the Board of Trade in 1761. Henretta asserts that the Board of Trade was hamstrung by a British government dedicated to austerity and pressed by the demands of war, leading it unable to exert much authority over the colonies until after the Seven Years War. In Henretta's opinion Nova Scotia was just as neglected, if not more so, than any of the other Atlantic colonies. While this certainly may have been true for many of the American colonies, it definitely was not the case with Nova Scotia, as this research will demonstrate. The historiography on the administration of Nova Scotia from the perspective of the Board of Trade has been absent here.⁷² While Nova Scotia receives honourable mention in the works of scholars such as Greene, Marshall, Harris, and many others, few have taken the time to examine the mechanics of how the British state and the Board of Trade sought to establish central control over the colony's administration. Though they tend to agree that the Board of Trade exercised stronger authority over Nova Scotia than other colonies, they paradoxically attribute this to the fact that the colony was a marginal region of the empire, and largely neglected by the British administration. This neglect left the province under populated by settlers and chiefly administered by military officials, employing military governments, for much of its early history. Elizabeth Mancke's *The Fault Lines of Empire* is the only study which takes an in depth look at how the Board of Trade established that central authority. Although her work is commendable, her main focus is on the post-Seven Years War period, and centers on a micro-historical comparison of two small settlements.

This dissertation, therefore, concentrates upon the genesis of the British administration of Nova Scotia as a new colony from 1745-1761. "Salutary neglect" of Nova Scotia ends, in essence, by approximately 1746 after the defeat of Louisbourg thrust Nova Scotia and Cape Breton into the popular British spotlight for the first time.⁷³ The need for a civil government

⁷² Some recent major works which contribute to the historiography of Nova Scotia in this period include J.G. Reid, *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries*; M. Conrad, ed., *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*; E. Mancke, *The Fault Lines of Empire*; and J. Grenier, *The Far Reaches of Empire: War in Nova Scotia, 1710-1760*.

⁷³ Nova Scotia and Cape Breton were officially considered separate colonies by the British during this period, but will often be referred to in this dissertation in a manner which appears to classify them as one colony. This is not to confuse the reader, but because the British administration of Cape Breton from 1745-1748 figures heavily into the first chapter, and because of their geographic proximity, the political issues administrators in Cape Breton were faced with overlapped with the concerns of officials in Nova Scotia. The subsequent history of Cape Breton as a British colony is complicated: from 1758 to 1763 it was administrated separately from Nova Scotia; it was united

quickly became apparent, and, as it turned out, Nova Scotia would become the guinea pig in an experiment with ominous consequences for the rest of the American colonies. The goal of that experiment was to create a colonial government that was completely subservient to the metropolis in a manner that had never been previously attempted in the other Atlantic colonies. This experiment turned out to be highly effective. Rather than granting the rights to settle Nova Scotia to private interests as had been done previously, Privy Council and the Board of Trade collaborated to ensure that it was strictly a government colony. As such, the law arrived before the colony did, because the Board of Trade and Privy Council clearly articulated how the province's administration was to take shape before any settlers landed at Halifax, and before the establishment of the civil government. The provincial government created in 1749 at Halifax would later be considered a "model" of how colonial administration should have been conducted all along. Metropolitan authorities would attempt to superimpose that model on the other American colonies after 1763, which already had established political traditions of their own, leading to disastrous consequences.

The methodology employed in this research is based partially on a Namierite collective biographical approach. Namier's approach has been attacked, however, as too narrow as it only considers political motivations to the exclusion of ideology, though his method has recently been given new life in the form of Peter Marshall's study of the "official mind."⁷⁴ Therefore, this research will also employ the wider perspectives of imperial historians such as Jack Greene. Greene has emphasized the importance of the role of metropolitan ideological and cultural imperatives in shaping the political and constitutional development of colonies, as well as the importance of negotiation between the colonies and Great Britain in shaping imperial policy. Empire building was not merely a simple process of domination of the metropolitan "core" over a helpless colonial "periphery," but was subject to forces operating on both sides of the Atlantic.

To explore these ideas, this thesis will take a three pronged approach. Chapter one examines the period from the defeat of Louisbourg in 1745 to the Peace of Aix-la-Chapelle in late 1748. Neglected by the British metropolitan authorities since the acquisition of Annapolis

with Nova Scotia from 1763 to 1784; and separated from Nova Scotia again from 1784 to 1820, after which time it was permanently incorporated into the province of Nova Scotia. P.A. Buckner and J.G. Reid, The Atlantic Region to Confederation: a History, pp.158, 189 & 252.

⁷⁴ For more on the subject of attacks on Namier's historical methodology, see L. Colley, Lewis Namier, pp.90-106; J. Brooke, "Namier and Namierism," History and Theory, Vol.3, No.3, 1964; and J.P. Kenyon, The History Men: the Historical Profession in England Since the Renaissance, especially the chapter entitled "Namier in the Eighteenth Century," pp.265-285.

Royal in 1710, Nova Scotia was a marginal colony until New England forces captured the French stronghold of Louisbourg on Cape Breton Island in June 1745. While this victory received popular acclaim at home, the British Ministry and Parliament were too absorbed with the war in Europe and the Jacobite Rebellion to devote the proper attention or resources to turn Cape Breton and Nova Scotia into a successful British colony. As a result, military officers were left in charge of their administration, which lacked the proper resources or government mechanisms to maintain law and order, or promote the settlement and economic improvement which would have made them useful additions to the imperial project. This neglect led to spirited lobbying by officials in the colonies for the establishment of civil government for Nova Scotia and Cape Breton to remedy the problems impeding their development. Although nothing was done about these problems during the war, influential British politicians such as the Duke of Bedford and Lord Halifax were listening. They developed plans to bring a proper administration to the region for the purpose of populating it with British settlers after the war, as a counterweight to the threatening French presence in the Canadian colonies and in anticipation of future campaigns to remove them from North America.

The neglect which was experienced by the administration of British Nova Scotia and Cape Breton from 1710 to 1748 was indicative of a wider administrative neglect of all the North American colonies from their beginnings in the early seventeenth century. Traditional British policy until 1749 dictated that the British state would not provide funding for the creation, settlement or maintenance of the North American colonies. Instead, the colonies were settled by private initiatives, and maintained by the revenues they created through trade and commerce. The era of administrative neglect in these north-eastern Atlantic frontier colonies, however, began to erode by 1746. The need for civil government in Nova Scotia could no longer be ignored, as demonstrated by the various officials who lobbied the Duke of Newcastle. The potential economic and strategic benefits of the colony for Britain were too great. The presence of potential, perceived, and real hostile elements within the province (the French Acadians and M'ikmaq), however, anticipated that heavy state involvement in facilitating its transformation into a "British" colony would be necessary.

Chapter two examines the mechanics of how the government administration of Nova Scotia was instituted in the few years after the settlement of Halifax in June 1749. Established after Cape Breton was returned to the French by the Peace of Aix-la-Chapelle, Halifax was to serve as

the British counterweight to Louisbourg and secure the fishery of the Gulf of St. Lawrence for Britain. Secretary of State for the Southern Department the Duke of Bedford, and President of the Board of Trade Lord Halifax, implemented an experimental model of civil governance for Nova Scotia in an attempt to increase centralized metropolitan control. Instead of granting the colony a royal charter as had been done in the past with other North American colonies, the gubernatorial instructions and commission were to serve as the basis of the colony's government. The instructions and commission were created in such a way as to try to anticipate the needs of the colony and eliminate the need for local administrative innovation, as well as ensure that the royal governor and his executive council would have strong decision making powers, even after a legislative assembly was eventually established. In turn, this strong executive authority in the province was ultimately answerable to Whitehall. Because the colony lacked a formal charter or constitution, the Board of Trade or Privy Council could reinterpret the instructions or issue new orders for the governor via their correspondence if the needs of the colony dictated it, or British policy changed.

This is demonstrated by examining three key areas of the administration of the province; the financial, the political, and the legal. The settlement of the province after 1749 was accomplished using public funds. In order to maintain accountability to Parliament, the Board of Trade and Privy Council had to ensure that financial oversight was strict, and the economic developments of the province to bring it to self-sufficiency were administrative priorities. Politically, the Board of Trade felt that the best way to create a "British" space in the province was through the strategic use of land grants. In doing so, they sought to either exclude or assimilate non-British populations in the province, and severely limit municipal governments which could challenge the provincial administration for power and influence. They also had to ensure that once a legislative assembly was convened, its power to override the decisions of the Governor, his Executive Council, or Whitehall, were greatly restricted. Finally, in keeping with a reform movement to professionalize and standardize the legal system in the colonies, the metropolitan authorities desired that Nova Scotia's legal system should conform as closely as possible to the English common law system. A dissection of the gubernatorial instructions and

commission quickly reveals how these documents accomplished the construction of this deferential government apparatus.⁷⁵

Chapter three examines specific instances of how the administrative mechanisms established in Nova Scotia functioned to provide strong centralized British control of the colony. On the financial side, Lord Halifax was determined he should have very strong authority to control provincial spending and ensure the integrity of the Nova Scotia Treasury. The ability of the Board of Trade to limit or control patronage in the government, and root out possible corruption, was absolutely necessary and easily accomplished. The dismissal of the colony's Secretary and Treasurer Hugh Davidson will illustrate this. Responsible spending by the province's administration and the adherence to a parliamentary budget was also a primary goal of the Board of Trade. The impossibility of these demands led to an ongoing budget battle between Governor Cornwallis and Lord Halifax, leading to Cornwallis's resignation and replacement in 1752. Politically, the authority of Nova Scotia's executive was so strong that a group of merchants in Halifax, armed with evidence of Governor Lawrence's abuse of the province's Treasury, forced the Board of Trade to strong-arm Lawrence into convening the long delayed legislative assembly in October 1758. Historian William MacNutt, who dismissed some of the Freeholder's complaints as fabricated and accused them of acting in self-interest, can be questioned on the basis of some of the available evidence, and the abuse of power which existed under a similar military government in Louisbourg from 1745 to 1748. Even after the Assembly was convened, safeguards were put in place to ensure that it would not be too powerful. This safeguard was instituted in the form of the review of provincial legislation by the Board and Privy Council. Legislation which introduced too much influence from north-eastern colonies such as Massachusetts, or did not meet the legal standard of non-repugnance to English common law, was rewritten or disallowed.

⁷⁵ The primary sources used to support these arguments will include the official papers, correspondence and memoirs of Members of Parliament, Admiralty officials, and other officials responsible for the colonies. The bulk of this material will come from the Nova Scotia "A" manuscript collection at Library and Archives Canada (LAC), which features the correspondence of The Secretary of State for the Southern Department and Board of Trade officials, including Lord Halifax, with officials in Nova Scotia and the northern American colonies. The rest will be obtained from the published correspondence of British politicians and officials, and published reports on parliamentary debates. The sources will also, to a more limited extent, include legal documents such as the royal instructions and commissions for the governors of Nova Scotia, and the early laws of the province. These will also be obtained from the manuscript collections available at LAC.

The mid-eighteenth century was also a period of tension between Britain and the North American colonies in general over the role of legislative assemblies. On the one hand, republican ideals that elected representative bodies such as parliament or the colonial assemblies were the best safeguards of the rights of “freeborn Englishmen”⁷⁶ were gaining traction in both Britain and the colonies. On the other hand, the impulse towards authoritarian government among the British elites was just as strong, and manifested itself most blatantly in the Crown and Parliament’s attempts to subdue the American colonies.⁷⁷ The example set by the manner in which Nova Scotia was administrated after 1749 was a cause for concern and after 1763, alarm for the other North American colonies, an alarm that led to a crisis in the Atlantic World on the eve of the American Revolution.

⁷⁶ For a recent discussion on the concept of the rights of “freeborn Englishmen” as they developed in the eighteenth century, see P.D. Halliday, Habeas Corpus: from England to Empire.

⁷⁷ For more on this subject see B. Bailyn, The Ideological Origins of the American Revolution.

CHAPTER 1

Nova Scotia: From the Margins of Empire to the Spotlight

Background: British colonial administration in the seventeenth and eighteenth centuries

From its beginnings in the 17th century, the British Atlantic Empire was administered by the British government in an inconsistent manner. Lacking the resources or the political will to fund colonization or exercise direct authority over new territories in North America, the responsibility to conquer and settle new territories in the 17th century was largely delegated to private interests. These private interests created settlements in North America by permission of the king within a royal charter. Charters could either be in the form of proprietorships, where a single overlord or a group of overlords were given the right to distribute lands and establish whatever government was deemed necessary; or they could be in the form of chartered companies, where a group of private investors funded overseas adventures and were given essentially the same privileges as proprietors. Colonies established in this manner soon posed serious problems for the British government. Lacking the political experience to establish effective government machinery, and using the liberal provisions allowing for religious freedom to attract migrants from various social groups, proprietors created new polities which were almost ungovernable by the metropolitan authorities.⁷⁸ Between 1651 and 1696, attempts were made by parliament to regulate the colonial economies through the use of the Navigation Acts, designed to eliminate colonial trade with rival foreign powers, and insofar as possible, to subordinate their economies to that of the metropolis.⁷⁹ British authorities, however, had a difficult time gaining the colonies' compliance with the acts. The colonies' merchants and elites generally viewed them as unwarranted intrusions on their economic autonomy, and sought to evade and resist them whenever possible.⁸⁰

After the restoration of the monarchy in England in 1660, the Stuart king Charles II and his ministers were concerned with the "loose and scattered" political condition of the colonies, and sought ways of centralizing the crown's control over colonial administration. An example of

⁷⁸ J. Sosin, English America and the Revolution of 1688: Royal Administration and the Structure of Provincial Government, p.4.

⁷⁹ J.P. Greene, Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607-1788, p.13.

⁸⁰ *Ibid*, p.19-20.

these efforts was the establishment of the Dominion of New England in 1686, in which the scattered and divided provincial governments north of the Delaware River were amalgamated under a single government with a royally appointed governor. Ostensibly to help the colonies better defend themselves against the military threat posed by New France, this consolidation of governments was also supposed to assist Charles's ministers at home to more efficiently govern the crown's possessions in North America.⁸¹

The Glorious Revolution of 1688-89, in which the Protestant William III of the House of Orange overthrew the Catholic Stuart succession, interrupted these efforts at consolidating English control over the colonies.⁸² The outbreak of international war in the wake of the Revolution, along with two decades of political chaos and disputes between political parties over offices, weakened the ability of William III's government to take any effective action on the colonies.⁸³ The settlers within the Dominion of New England, frustrated with the authoritarian rule of Governor Edmund Andros, overthrew the Dominion and reestablished the northern colonies under their former boundaries and governments.⁸⁴ In the proprietary colony of Virginia, members of powerful families who earned their fortunes in plantation agriculture made up the colony's elites. These families dominated Virginia's executive council throughout the 17th and early 18th centuries. They effectively resisted attempts by the English crown to invest the royal governor with wider prerogative powers both before and after the Glorious Revolution.⁸⁵ Similar situations prevailed in the rest of the North American colonies as well. Massachusetts, considered particularly troublesome by metropolitan officials, was granted a new royal charter in 1691 that severely limited the colony's self-governing powers.⁸⁶ From this point forward, rather than granting lands in common to town corporations as it had done, the Bay Colony followed the lead of its smaller neighbours and granted lands to groups of proprietors. The charter also changed the definition of crown lands in order to reserve all trees 24 inches in diameter or larger for use by the British Navy, though this policy later proved unenforceable.⁸⁷

⁸¹ J.P. Greene, *Peripheries and Center*, p.14-15.

⁸² J. Sosin, *English America and Imperial Inconstancy: The Rise of Provincial Autonomy, 1696-1715*, p.7-8.

⁸³ J. Sosin, *English America and the Revolution of 1688*, p.143.

⁸⁴ A thorough examination of the overthrow of the Dominion of New England can be found in Chapter six of J. Sosin's *English America and the Revolution of 1688*.

⁸⁵ See chapter five of J. Sosin, *English America and Imperial Inconstancy*.

⁸⁶ J.P. Greene, *Peripheries and Center*, p.16.

⁸⁷ E. Mancke, "Negotiating an Empire: Britain and its Overseas Peripheries, c.1550-1780," in *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, p.255-256.

The late 17th and early 18th centuries marked the beginning of a long period characterized by minimal crown interference in the internal affairs of the North American colonies, and an emphasis on maintaining a growing overseas commercial trade. This long-running period of lax colonial policies would lead to an era described by James Henretta as the period of ‘salutary neglect,’ which lasted approximately from the ascension of Robert Walpole as leading minister in 1721, to the end of the War of the Austrian Succession in 1748.⁸⁸ By the middle of the 18th century Britain’s commercial connections had begun to extend across the globe. Charter or company ties to Newfoundland, West Africa, Hudson’s Bay, the Levant, Muscovy, and the East Indies, as well as contraband connections in Spanish and Portuguese America, lent increasing strength to Britain’s networks of global commerce. Until after the Seven Year’s War, Britain’s overseas colonies in the Americas were its only truly territorial possessions, besides Gibraltar and Minorca in the Mediterranean. But instead of being governed and administered like territories, most of Britain’s colonies continued to be governed like units of the commercial empire, by delegation and charter.⁸⁹ The importance of trade and commercial empire to the British crown was twofold. The first half of the 18th century was a period of spectacular and quickening commercial growth. The average annual value of overseas trade increased from £10.4 million in the decade from 1700-1709 to about £26.8 million in 1765-1774. In some years, overseas commerce provided up to two-thirds of the government’s revenue in the form of customs duties and harbor and shipping dues.⁹⁰ Secondly, interest in the commercial empire was spurred by intensifying competition with France. Since the end of the War of the Spanish Succession (1702-1713), French trade had expanded at a faster rate than any other country’s, including Great Britain.⁹¹ Whether it was cheap sugar and coffee from the West Indies, or superior cloth from Persia and India, the products of French commerce were, for the most part, able to dominate the European re-export market. In addition, French mercantile and military interests in North America and the West Indies constantly threatened Britain’s interests in those parts of the world. These problems were compounded by constant domestic concerns of a possible invasion of Britain by France with the help of the Catholic Jacobites. Both trading

⁸⁸ J. Henretta, “Salutary Neglect:” *Colonial Administration under the Duke of Newcastle*, pp. 345-347.

⁸⁹ J.P. Greene, *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, p.11.

⁹⁰ F. O’Gorman, *The Long Eighteenth Century: British Political and Social History, 1688-1832*, p.177.

⁹¹ L. Colley, *Britons: Forging the Nation, 1707-1837*, p.79.

merchants and the Protestant ruling elite of Britain alike increasingly understood that commerce was essential to the strength of the Hanoverian monarchy and the nation itself.⁹²

A result of British commercial expansion was an increasing degree of integration, especially around the Atlantic, where the British Isles, North America, the Caribbean, and West Africa were being tied ever closer together. The number of vessels crossing the oceans greatly increased, allowing people, goods, news and ideas to travel from place to place with greater frequency and ease. The growing interdependence of the mother country and its colonies was, in the opinion of some historians, creating a British Atlantic that in many respects could increasingly be considered one world.⁹³ The creation of stronger communication channels between Britain and its dependencies beginning in the late 17th Century had lasting implications for their relationship with one another. Merchants, who were constantly in need of information about market conditions, price information, and debt collection in the overseas markets they served, spearheaded the development of improved shipping and postal services.⁹⁴ The British administrative bodies responsible for the colonies used improving communications to attempt to centralize control over them. By helping prepare instructions for royal governors, scrutinizing colonial laws and disallowing them if they were contrary to English law, and maintaining steady correspondence with governors, bodies such as the Privy Council and the Board of Trade attempted to exercise greater imperial authority.⁹⁵ Conversely, colonial elites, merchants, and ordinary settlers were increasingly exposed to newspapers and literature from Britain depicting the debates over extending the rights and privileges of British subjects, ideas which were often taken to heart by the colonists. They were increasingly able to make their interests known to the elites at home in Britain, and mercantile groups both in the colonies and back home lobbied parliament and the British Ministry.⁹⁶ Although their influence in the first half of the 18th century should not be overstated, merchant lobby groups did, from the early 1700s on, influence parliament to encourage or withdraw specific trade acts. For example the West India merchants, who had by far the most powerful lobby, successfully resisted a proposed increase on the duty

⁹² L. Colley, Britons, p.79.

⁹³ P.J. Marshall, The Making and Unmaking of Empires: Britain, India and America, c.1750-1783, p.15-16. For other recent discussions on Atlantic History see D. Armitage and M.J. Braddick, eds., The British Atlantic World, 1500-1800.

⁹⁴ I.K. Steele, The English Atlantic, 1675-1740: An Exploration of Communication and Community, p.227.

⁹⁵ *Ibid*, p.230.

⁹⁶ *Ibid*, p.241-242. For a detailed discussion on the influence of lobby groups on Parliament and the Ministry's colonial policies, see A. Olson, Making the Empire Work: London and American Interest Groups, 1690-1790.

for imported sugar using printed pamphlets which were distributed to Members of Parliament (MP's) and major seaports throughout the country.⁹⁷

To more effectively deal with matters of colonial administration, the British government under King William III created the Board of Trade in 1696. Although various administrative bodies similar in intention had been created throughout the 17th century, they were mostly short lived and fulfilled little more than an advisory role on colonial policy.⁹⁸ The new Board of Trade was charged with investigating the state of the colonies to discover ways to make them more prosperous and more useful to England. In order to do this the Board was given several powers and responsibilities: It was to amend governor's instructions when it thought necessary by proposing changes to the King-in-Council; colonial legislation was to be scrutinized, as well as governor's journals and public accounts; and it was also mandated to consider candidates for colonial appointments, including that of the governor, and study petitions and complaints related to the colonies. It was also given vague instructions to investigate the general state of trade to ascertain its advantageousness to the nation, and given responsibilities for the protection of trade. The Board answered directly to the royally appointed Secretary of State for the Southern Department, and was created essentially to help protect royal prerogative powers over the colonies.⁹⁹

For various reasons, the early Board of Trade was largely ineffective in carrying out its duties. The sheer amount of paper which passed through its offices, consisting of correspondence, laws, accounts, journals of governors, and petitions and speeches made it virtually impossible for the Board to address every problem confronting it. The Board also frequently clashed with other departments, most notably the Admiralty, which it was often obliged to call upon to assist with the protection of merchant shipping. The Admiralty, which did not appreciate intrusions on its jurisdiction, had other priorities besides convoying merchant ships and defending the American seaboard, which diverted valuable resources from the defense of the English Channel and duties in the Mediterranean. Although the Board made many

⁹⁷ H.T. Dickinson, *The Politics of the People in Eighteenth-Century Britain*, p.66.

⁹⁸ I.K. Steele, *Politics of Colonial Policy: The Board of Trade in Colonial Administration 1696-1720*, p.4-5.

⁹⁹ *Ibid*, p.15-17.

attempts to contribute to trade policy by making recommendations to Parliament and the Privy Council, their efforts were often ignored.¹⁰⁰

With King William III's death in 1702 and the succession of Queen Anne, the Board of Trade continued to lose whatever teeth it may have had. Not often involved in the day-to-day business of governing, Anne devolved a great deal of power onto her ministers, including the Secretary of State for the Southern Department. The Earl of Nottingham, whom she appointed to the post, often disagreed with the Board and vetoed its suggestions.¹⁰¹ In the last years of Anne's reign from 1711-1714, the Board attempted to make up for its declining influence by becoming more involved in commercial treaties and trade issues. However, this period was characterized by unstable ministries, and the Board found itself unable to accomplish anything substantial.¹⁰² Moreover, the appointed administrators of the Board, who had originally been experts in trade and economics, were gradually replaced by politicians. Viewing appointment to the Board more as a political reward than an opportunity to do service to the nation, they did not perform their duties with the same diligence or competence, or attend meetings on a regular basis.¹⁰³

It was in this context that British administration of the colonies entered a phase labeled by many historians as the age of "salutary neglect." This period is often thought of as beginning with the election of the leading minister, Robert Walpole in 1721. Walpole had a coherent and consistent perception that the national interest demanded international peace, domestic unity, economic prosperity and commercial expansion. Some of his economic initiatives included removing export duties from numerous articles, protecting certain domestic industries such as linen, paper and silk from foreign competition, and abolishing duties on agricultural exports, including grain. These and other policy initiatives, along with sustained peace for the first seventeen years of his leadership, led to modest growth in Britain's international trade.¹⁰⁴ Furthermore, Walpole was obsessed with the excessiveness of the British national debt, and it informed his policies. When Walpole came to power in 1721, the national debt was an alarming £54 million, and required £3 million to service the interest payments every year. Walpole devoted himself to its reduction by the use of a sinking fund. The sinking fund was a scheme planned by Walpole and brought about

¹⁰⁰ I.K. Steele, Politics of Colonial Policy, pp. 19-41. See chapter 2 for a more complete explanation as to why the Board of Trade was largely ineffective during its first years.

¹⁰¹ I.K. Steele, Politics of Colonial Policy, p.86.

¹⁰² *Ibid.*, p.147-149.

¹⁰³ *Ibid.*, p.171.

¹⁰⁴ F. O' Gorman, The Long Eighteenth Century, p.72-76.

by James Stanhope, involving the creation of a special fund to be supplied by surpluses which were a product of the reduced costs of servicing the debt. In the decade after 1727, £6.5 million in stock and annuities were paid, and during Walpole's ministry, the net reduction in total debt was £6.2 million.¹⁰⁵ By the end of his ministry in 1742 he had reduced the debt to £46 million, with an annual interest charge of £2 million, and had also managed to reduce the rate of interest.¹⁰⁶

Similar policies were continued under his successor Henry Pelham from 1744 to 1754, who also believed it was prudent to spend as little as possible in governing the empire.¹⁰⁷ As a result, the administrative machinery of the British Empire appeared unimpressive, though the British state itself was expanding during this period.¹⁰⁸ The role of British government was a circumscribed one; much of the responsibility for domestic government was devolved to the localities instead of being directly administered by the agencies of central government. There was inevitably a very high degree of devolution in the governance of the colonies as well, particularly the mainland American colonies. Officials in London could not effectively supervise royal governors at a great distance and governors had to take account of local interests and opinions, which were given institutional representation as the elected lower houses of colonial legislatures, generally known as assemblies. Control over a colony's finances, gained mostly through the overseas trade, gave the assembly a large measure of control over the governor and his executive council. The colonies were, however, expected to submit to some degree of regulation to ensure they fulfilled national purposes. They were expected to obey the Laws of Trade and the Navigation Acts, to submit to having their legislation and colonial courts supervised from London to ensure the due administration of justice throughout the empire, and by contributing to their own defense.¹⁰⁹ Lacking the desire or resources to coerce the colonies into respecting imperial, corporate, or governor's directives, however, the metropolitan authority's powers to enforce even these measures were limited. As Ian Steele has observed, most metropolitan actions regarding the American colonies were negotiated, moderated,

¹⁰⁵ J. Brewer, The Sinews of Power: War, Money, and the English State, 1688-1783, pp. 123-124.

¹⁰⁶ J. Brewer, The Sinews of Power, p.77.

¹⁰⁷ R. Connors, Pelham, Parliament and Public Policy, 1746-1754, pp. 70-173.

¹⁰⁸ For an examination of the expansion of the British state in the 18th century see, J. Brewer, "Servants of the Public, Servants of the Crown: Officialdom of Eighteenth Century English Central Government," in Rethinking Leviathan: The Eighteenth-Century State in Britain and Germany.

¹⁰⁹ P.J. Marshall, The Making and Unmaking of Empires, p. 73-74.

appropriated, evaded or even resisted through layers of governance.¹¹⁰ The legislative assemblies in the colonies had been allowed to achieve increasing levels of sophistication. Colonists viewed their assemblies as equivalents to the House of Commons in Britain, and logically felt they were entitled to the same privileges possessed by that body in Great Britain. By extension, the fundamental rights and privileges of Englishmen at home were also considered to be possessed by his Majesty's English subjects in the colonies. Any attempts to strengthen the powers of the royal governor or executive council, or to reverse long standing colonial constitutions established by local precedent, habit, traditions, and statute as per the English Common Law tradition, were vigorously opposed on these grounds.¹¹¹ Kenneth Banks has observed that in the French Empire, despite having established much more authoritarian structures of colonial governance, France experienced many of the same problems with its own North American colonies. The Superior Councils in the French colonies were also, in many instances, forced to account for the needs of their local subjects and contradict the policies of the Ministry of Marine, the French administrative body in charge of colonial matters.¹¹²

Under Walpole, the Board of Trade which was only one of many administrative bodies responsible for colonial matters, fell into a further state of neglect and impotence. Historians have placed a great deal of the responsibility for the Board's weakness on the shoulders of Thomas Pelham-Holles (the Duke of Newcastle), who was appointed Secretary of State for the Southern Department in April 1724. Although a conscientious administrator early in his career, Newcastle gradually began using his position to distribute important offices in the colonies such as Governorships and Collectors of Customs to friends as political rewards, rather than appointing competent people. At the same time both Walpole, and his successor Henry Pelham, used the offices in the Board of Trade itself as political patronage, again with the result that more often than not, incompetent people were put in charge of colonial affairs at the Board.¹¹³

¹¹⁰ I.K. Steele, "Governance of the British Empire, 1689-1784," in The Oxford History of the British Empire, Volume II, p.105.

¹¹¹ J.P. Greene, Negotiated Authorities: Essays in Colonial Political and Constitutional History, 176-179. Greene gives many examples of colonial elites and assemblies frustrating British designs to assert greater control, or those of tyrannical royal governors, throughout this work.

¹¹² K. Banks, Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713-1763, pp. 184-216.

¹¹³ J. Henretta, "Salutary Neglect", p.259-261.

Nova Scotia: imperial asset or imperial problem?

It was under these circumstances that the British Empire existed in the late 17th and early 18th centuries. With a tradition of mostly lax administration on the part of metropolitan authorities, excepting the brief interlude of the rule of the Stuart monarchy before the Glorious Revolution, the colonies had been allowed to develop their own systems of governance which would later resist any attempts to bind them closer to British authority. In the midst of this period of administrative ‘salutary’ neglect Nova Scotia came under the continuous possession of the British. Since the establishment of the first settlement at Port Royal in 1604 by the French, possession of the colony had changed hands several times. Nova Scotia would go from being a French colony, to a Scottish colony (1621), back to the French (1632), to an English colony (1654), and back to being a French colony in 1670. It is important to note that at all times throughout the seventeenth century, however, all of these claims of possession to the province were only vaguely defined by company charters and hotly contested between England and France. Furthermore, settlement was unprofitable, small in scale, tenuous, and dependent on negotiation with the majority population of aboriginal inhabitants.¹¹⁴ Nova Scotia was initially settled with commercial purposes in mind, but soon proved to be of marginal economic importance, as dismal assessments of its potential were recorded by officials of both France and Great Britain. For example, in 1711 former Secretary of the Board of Trade William Blathwayt described it as “at present a desolate Countrey... Chiefly usefull for Protecting the (Massachusetts) Fishery.” Yet, Nova Scotia would become a prominent part of the contest for territorial expansion in North America between the English and French, despite its marginality as a colonial venture.¹¹⁵

By 1710, Nova Scotia was demographically unique among the North American colonies. The clear majority of the colony’s population was aboriginal, with perhaps some 3,500 Mi’kmaq and 500 Maliseets within the approximate bounds of what was considered Acadia. The population of Acadians, French agricultural settlers who generally did not consider themselves subjects of the French state, may have reached 2,000 by this time. However, the Acadian population was now rapidly increasing at a rate that doubled their overall numbers approximately

¹¹⁴ E. Mancke and J.G. Reid, “Elites, States and the Imperial Contest for Acadia,” in The Conquest of Acadia, 1710: Imperial, Colonial and Aboriginal Constructions, p.36-39.

¹¹⁵ *Ibid*, p.25-26.

every 20 years. By contrast, after Nova Scotia was ceded to Britain by the Treaty of Utrecht in 1713, British soldiers and colonists located chiefly at Annapolis Royal and seasonally at Canso numbered between four and five hundred.¹¹⁶

Late in the War of the Spanish Succession, the perceived French threat to the North American colonies initiated agitation in New England for a campaign against New France, beginning with an expedition against Port Royal. Former Virginia governor Francis Nicholson, after two failed attempts to mount an expedition in 1707 and 1709, assembled a contingent of New England troops along with a small British naval squadron, commanded by himself and the Scot, Samuel Vetch. After a short siege of Port Royal in late September 1710, the French forces there under Governor Daniel d'Auger de Subercase surrendered, and evacuated the fort only a few days later. The relatively easy conquest of Acadia encouraged the British to assemble a naval expedition to conquer Quebec the following spring. This expedition failed in August 1711 when a large portion of the British fleet was wrecked in the St. Lawrence in a severe storm. Acadia held significant strategic importance for the French in North America. The control of the North Atlantic fisheries, both for the trade in fish and in its role as a nursery for French sailors, as well as the fact that British possession of it would threaten French territorial interests in the St. Lawrence and Canada made Acadia a crucial bargaining chip in the peace negotiations for the Treaty of Utrecht beginning in 1711.¹¹⁷ Port Royal, however, would remain in British hands, as the French lacked the resources or the interest in recapturing it through military means at this time, and British negotiators insisted on maintaining its possession. Acadia was accordingly ceded to the British in 1713, though the boundaries of the colony were vaguely interpreted, which would serve as a source of future conflict between the two imperial powers.¹¹⁸ To add further to future Anglo-French tensions, the French set to work almost immediately after the peace building trade outposts and settlements at Port Toulouse on Cape Breton Island, Port La Joie (Charlottetown) on Ile Saint-Jean, and a naval base at Louisbourg on Ile Royale (Cape Breton Island) which would also serve as an administrative center and hub for the French

¹¹⁶ J.G. Reid et al., "Introduction," The Conquest of Acadia, 1710: Imperial, Colonial and Aboriginal Constructions, p.IX.

¹¹⁷ J.G. Reid, "Imperialism, Diplomacies, and the Conquest of Port Royal, 1710," in Essays on Northeastern North America: Seventeenth and Eighteenth Centuries, pp. 105-106.

¹¹⁸ For a detailed narrative of the events and implications surrounding the British conquest of Acadia in 1710, see J.G. Reid, "The Conquest of Acadia: Narratives," in The Conquest of Acadia, 1710: Imperial, Colonial and Aboriginal Constructions.

fishery.¹¹⁹ Britain's new possession in Acadia was soon surrounded on all sides by French settlements.

From 1713 until the outbreak of the War of the Austrian Succession (1744-1748), the British administration at Port Royal (renamed Annapolis Royal) lived in a state of uneasy coexistence with the Aboriginal and Acadian populations of the province. The British attempted to coerce the reluctant Acadians into swearing an oath of allegiance to the king, which would require them, if necessary, to bear arms for the British. Vetch, the colony's first British Governor, demanded "contributions," better described as taxes, for the support of the administration at Annapolis Royal. The Acadians were uncooperative with either requirement, and future governors and lieutenant governors failed in repeated attempts to administer the oath or raise taxes for Annapolis Royal. Governor Richard Philipps reached a compromise with the Acadians after 1730, by revising the oath of allegiance to allow them to maintain neutrality in any conflict between France and Britain, keep possession of their land claims, and practice the Catholic religion in peace.¹²⁰ Relations with the Aboriginals were similarly troubled. In 1722, guerilla warfare broke out between the British and the Mi'kmaq and Maliseet, who hoped to expel the British from the colony. Largely inspired by the more serious war between the Abenaki tribes and the New England settlers which broke out at the same time, the British at Annapolis Royal were able to reach a favorable agreement with the Mi'kmaq before it could bloom into an all-out war.¹²¹ The region's Aboriginals would, however, prove valuable allies to the French in later conflicts. Attempts to settle the province were few and far between. The most serious attempt came in 1731 when the Privy Council issued an order to the Board of Trade to prepare instructions to govern the manner of the settling of lands in Nova Scotia. The Board did this and the results were approved by cabinet and ordered to be transmitted to Governor Philipps. There the process died, and nothing came of the initiative. Administrative lethargy and the lack of an adequate survey of the lands available for distribution to settlers stymied all efforts at settlement.¹²² Throughout the period after the Peace of Utrecht, the administration at Annapolis

¹¹⁹ J. Grenier, The Far Reaches of Empire: War in Nova Scotia, 1710-1760, p.30. For an explanation of the importance of Louisbourg within the French Empire, see John Robert McNeill, Atlantic Empires of France and Spain: Louisbourg and Havana, 1700-1763.

¹²⁰ J. Grenier, The Far Reaches of Empire, p. 86.

¹²¹ *Ibid*, p.72-73. See Also J.G. Reid and E. Baker, "Amerindian Power in the Early Modern Northeast: A Reappraisal," in Essays on Northeastern North America: Seventeenth and Eighteenth Centuries, p.136.

¹²² B. Moody, "Making a British Nova Scotia," in The Conquest of Acadia, 1710: Imperial, Colonial and Aboriginal Constructions, p.141-142.

Royal received minimal direction and instructions from either the Duke of Newcastle or the Board of Trade. Nova Scotia had slipped into something akin to a “garrison government,” in which military officers for all intents and purposes ran the colony as best they could and much like the way Ireland was administered at the time.¹²³

Fighting between the British and French broke out again in North America in early 1744, in what came to be known as King George’s War, an extension of the War of the Austrian Succession in Europe. Canso, a tiny seasonal fishing settlement not far from Louisbourg, was raided by a French expeditionary force in May 1744. The small British force at Canso, greatly outnumbered, surrendered the blockhouse and station ship without a fight. Both were subsequently burned by the French, and the British force was removed and held captive in Louisbourg.¹²⁴ In addition to this, Louisbourg began outfitting privateers whom operated with impunity in the St. Lawrence, capturing some 30 New England vessels that summer and barring New England from the fishery. In response, New England dispatched colonial troops to strengthen the garrison at Annapolis Royal, and began planning an expedition against Louisbourg in January 1745. Looking for volunteers to command this expedition, Massachusetts governor William Shirley wrote to Commodore Peter Warren, then commanding the Leeward Islands squadron during the winter months. At the time Warren was obliged to decline Shirley’s request, but received instructions from the Admiralty in March to form a new North American squadron to “attack and distress the enemy in their settlements, and annoy their fishery and commerce.” Warren then made his way to a rendezvous at Canso with an untrained Massachusetts force led by merchant politician and acquaintance, William Pepperrell.¹²⁵

An unusually progressive Briton for his time, let alone for a British naval officer, Warren began corresponding with his superiors in the Admiralty, almost as soon as he received his instructions, on the importance of creating a permanent settlement in Nova Scotia. Writing to Admiral Anson in early April, Warren recommended that Canso be rebuilt and garrisoned as an appropriate base of operations against Louisbourg due to its proximity. But Warren did not merely envision Canso as a military and naval garrison from which to launch an assault against the French. He listed several strategic and economic reasons which he believed made Nova Scotia of extreme potential value to the British. Warren enlightened Anson that Nova Scotia was

¹²³ B. Moody, “Making a British Nova Scotia,” p.33

¹²⁴ J. Gwyn, An Admiral for America: Sir Peter Warren, Vice Admiral of the Red, 1703-1752, p.53.

¹²⁵ J. Gwyn, Frigates and Foremasts: The North American Squadron in Nova Scotia Waters, 1745-1815, p.8-9.

a potential mother lode of natural resources and commodities, and control of the province would mean the control of the Canadian fur trade and eastern fishery. Controlling these industries would, in turn, “unite nations of Indians to (Britain) and to each other,” as well as create a naval nursery for experienced seamen. He also stated that plentiful reserves of commodities such as masts and other wood materials for the Navy, as well as hemp, iron, copper and timber existed in the province. Addressing the province’s strategic importance, he explained that control of Nova Scotia “...would free his majesty’s subjects from all the apprehension they are continually under of the French settling the back of all the colonies upon the continent.” Warren was certainly playing on British fears that the French had developed a strategy for trying to contain what they saw as Britain’s ambitions for supremacy, by constricting their trade and colonies all over the world. In North America, the French seemed to be especially threatening in Nova Scotia and the Ohio Valley. British ministers felt there was no doubt that the French were trying to force the North American colonies into a narrow and ultimately indefensible coastal strip.¹²⁶

To bolster the British presence in Nova Scotia, Warren recommended a civil government be established at Canso, presumably to serve as a seat of government for the province, as well as generous land grants for farming, to encourage settlement. It must be noted that Warren was not the foremost to advocate these measures. Governor Philipps had been the first to point out to the metropolitan authorities the necessity of establishing some form of civil government for the colony shortly after being appointed in 1717.¹²⁷ From 1744 on, however, these observations would become more frequent and persistent as this marginal area of North America came under increasing British scrutiny. The forward-looking Warren even lectured Anson that suppressing the industry of the American colonies in an attempt to prevent them from becoming powerful enough to “throw off that parental yoke” lashed on them by Britain was a mistake. The colonies should be allowed to develop their manufactures to their maximum potential, and in doing so they would not only be a vent for British and Irish manufactures, but would export such a large amount of manufactures to Great Britain that they could profit by re-exporting them to Europe.¹²⁸ Nova Scotia was to be made an important part of this symbiotic relationship.

¹²⁶ P.J. Marshall, *The Making and Unmaking of Empires*, p.82-83.

¹²⁷ B. Moody, “Making a British Nova Scotia,” p.146.

¹²⁸ J. Gwyn, *The Royal Navy and North America: The Warren Papers, 1736-1752*, letter from Warren to Anson, April 2, 1745, p.70-74.

Canso was indeed used temporarily in May and June as an encampment for the nearly four thousand New Englanders who would participate in the assault on Louisbourg.¹²⁹ Predictably, his recommendations to make Canso into a permanent settlement with a civil government went unheeded by the Admiralty. This would not, however, be the last time that Warren would lecture his superiors on the importance of creating a civil authority and permanent settlement in Nova Scotia. Warren viewed the decision to leave Canso under military rule as a serious mistake which should not be repeated in any new territories seized from the French in Nova Scotia.¹³⁰ He had voiced many expectations and concerns which would be repeated by other military and government officials over the next few years.

‘Salutary neglect’ and its implications for Cape Breton and Nova Scotia, 1746-1748

The Capture of Louisbourg by New England forces in June 1745¹³¹ ushered in a new era for Nova Scotia in which the need to effectively administrate the colony could no longer be ignored. It was around this time that an embryo of British and American interest in tightening its grip on the colony was being conceived. Calls for the creation of a new British colony with a civil government in the contested territory became more frequent and insistent, and the military and government officials of both Nova Scotia and New England bombarded officials in London with ideas to effect British settlement in the province.

After the surrender of the fortress, both Warren and Pepperrell were rewarded by Newcastle for their efforts. Warren was promoted to rear admiral and named Governor of Cape Breton. Most unusually, Pepperrell was made a baronet and given the right to raise a regular regiment from among the New Englanders to garrison Louisbourg. William Shirley was also granted the same privileges. More interested in being given command of a British flagship than in governing Cape Breton, Warren tendered his resignation almost immediately upon receiving his commission. He was, however, forced to winter over in Louisbourg while awaiting his replacement. During this time, Warren, Pepperrell and Governor Shirley showered Newcastle

¹²⁹ J. Grenier, *The Far Reaches of Empire*, p.125-126.

¹³⁰ J. Gwyn, *An Admiral for America*, p.99.

¹³¹ The siege and capture of Louisbourg has been recounted in numerous works and will not be discussed here. For a good synopsis of the event, see J. Gwyn, *Frigates and Foremasts*, chapter 1, “The Siege of Louisbourg and its Aftermath, 1745-55.”

and the Board of Trade with ideas about the future direction of policy in North America and, in particular, plans for turning Cape Breton into a strategic and profitable colony for the British.¹³²

Only days after assuming command of Louisbourg, Warren and Pepperrell conducted a council on how best to govern the colony, and wrote a joint letter to Newcastle with their suggestions. The two chief officers entreated him that the best course of action would be to establish "...as soon as possible, a free port here, for a term of years, under a good governor and magistracy, with the power to grant lands under the easiest terms." However, there were more pressing needs for the forces at Louisbourg, as the fortifications needed extensive repair and supplies for the garrison would be required sooner rather than later. Until they received instructions from Newcastle, the fortress would be rebuilt and manned using funds from the New England treasury, as well as their troops. They also requested provisions and supplies of winter clothing and bedding from Britain, noting that "they can't possibly be supplied here and the inclemency of this climate will make it absolutely necessary."¹³³

Meanwhile Shirley, no doubt concerned about the mounting costs for Massachusetts in maintaining Louisbourg on its own, drafted the most convincing case he could that the British government should establish a permanent colony. Sending them what he described as an accurate account of the value of the French fishery around Cape Breton before the war, Shirley stated that the fishery employed annually approximately 27,000 men, and created a total value of almost £1 million per year.¹³⁴ The benefit to Britain obtained by maintaining control of this fishery, as well as in the reserve of manpower for the British Navy it would produce was obvious. Shirley had other more self-interested reasons for wanting Cape Breton to be developed into a colony. He noted that Louisbourg served as a nest for French privateers, as well as "a good shelter for the French trade in the East and West Indies, and the only harbor from whence they can conveniently fit out expeditions against his majesty's northern colonies..." particularly Nova Scotia, New England, and New Hampshire. These postulations were reinforced by geography. Experienced Atlantic mariners knew that Nova Scotia lay directly in the path of ships from both Britain and France which were headed to New England or returning home from the West Indies. Furthermore, the harbours along the south coast of Nova Scotia were convenient for sailors

¹³² J. Gwyn, *Frigates and Foremasts*, p.13.

¹³³ Library and Archives Canada (hereafter LAC), MG 11, Colonial Office (hereafter CO) 217, Nova Scotia "A", Original Correspondence, Warren and Pepperrell to Newcastle, 4 July, 1745, ff. 77-80.

¹³⁴ LAC, MG 11, CO 217, Nova Scotia "A", Original Correspondence, Governor Shirley to the Board of Trade, attachment to letter of 10 July, 1745, ff. 93-99.

during storms or freezing weather when other North Atlantic harbours were ice locked.¹³⁵ French control of Louisbourg rendered the shipping of goods to and from the British colonies a very risky business. Rather ominously, Shirley also pointed out that Louisbourg would be a most convenient British naval base “if ever there should a time come when (the northern colonies) should grow restive and dispos’d to shake off their dependency upon their mother country.” Louisbourg was both the key to British security against the French threat in North America, as well as a strategic check on the other American colonies, should they ever rebel against imperial rule.¹³⁶

The points that Shirley made in these letters were echoes of the popular sentiment that was beginning to prevail back home in Britain. During the period of war from 1739 to 1748, opposition members in the House of Commons reiterated slogans about the importance of the colonies and long-distance trade, which won acceptance right across the political spectrum. Trade with the colonies was coming to be seen as essential to the sinews of war that enabled Britain to keep at bay a most formidable enemy, thought to be intent on a universal monarchy, which had succeeded in subduing the Netherlands and might even attempt to invade Britain. Furthermore, dominating the North American fishery would leave France without the number of trained seamen required to maintain its navy.¹³⁷ Adherents of a more aggressive colonial policy argued that ignoring the importance of the colonies would result in French victory. Shirley then offered his ideas on how a Cape Breton colony could be established speedily and effectively. He suggested both New England fishermen and the troops who participated in the capture of Louisbourg should be offered land grants, especially considering that “the troops are disappointed of the plunder of Louisbourg...” He also did not hesitate to point out that “an allowance of some liberty of conscience, which is granted in religious matters,” would go far towards attracting New England settlers, who were chiefly composed of dissenters from the Church of England. Shirley pointed out that “A civil government seems essentially necessary for the settlement or at least the growth of an English colony in these parts.” It also seems that Warren had notified Shirley that he believed he had the power to erect an admiralty court to

¹³⁵ E. Mancke, The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760-1830, p.32-33.

¹³⁶ Nova Scotia “A”, Original Correspondence, Shirley to the Board of Trade, 10 July, 1745, ff. 86-88.

¹³⁷ P.J. Marshall, The Making and Unmaking of Empires, p.81. For a fuller elaboration on British manpower and warfare during this period see J. Brewer, The Sinews of Power: War, Money and the English State, 1688-1783, and L. Colley, Britons Forging the Nation, Chapter 7, “Manpower.”

administer justice at Louisbourg. Shirley informed Newcastle that he would advise Warren against doing so, as he was aware that courts of judicature could only be erected by authority of the crown. Shirley also explained that Warren believed he had it within his power to distribute lands “till his Majesty’s pleasure shall be known,” but that he would advise him against doing this as well until Newcastle could send his orders. Shirley also disputed Warren and Pepperrell’s advice that Louisbourg should be made into a free port, which would be in direct contravention to the Navigation Acts. Interestingly, he added that “I doubt the granting of such a privilege would be of dangerous consequence in these parts, where the spirit of illicit trade prevails too much already,” but that the Board of Trade should ultimately decide how British trade laws would apply to Cape Breton. In fact, Canso was infamous for being a center of black market activity for New Englanders, who carried out an illicit trade in alcohol and other goods with Louisbourg, with widespread complicity among even the officers of the government of Nova Scotia.¹³⁸ Finally, Shirley recommended that settlers in Cape Breton be protected from lawsuits for debts contracted in Britain or the other colonies before coming to the province, a protection that was commonly granted in other American colonies to encourage prospective settlers to emigrate.¹³⁹ In Virginia for example, whose justice system would later become the model for the courts in Nova Scotia, it was standing law that debts could not be pleaded in the colonial court against settlers unless contracted for goods imported into the colony.¹⁴⁰

In keeping with the British tradition of salutary neglect, the reactions of the Board of Trade and Newcastle to the trio’s overtures were ones of relative indifference. Writing in response to Shirley, Newcastle simply instructed him to forward Warren’s commission to him with instructions to establish a military government at Louisbourg. Newcastle then informed Shirley that provisions and ordinance were forthcoming, and that reinforcements of troops would be sent from Gibraltar. Newcastle made no reference to any of Shirley’s schemes for establishing a civil government.¹⁴¹ He did, however, respond to Warren and Pepperrell’s letters by instructing them to maintain the fortress under a military government as per the status quo, and assured them that recommendations for establishing a civil government and a broader base of settlement were “under consideration, and that no time will be lost in coming to a determination upon them.” Of

¹³⁸ B. Moody, “Making a British Nova Scotia,” p.151.

¹³⁹ Nova Scotia “A”, Original Correspondence, Shirley to the Board of Trade, 10 July, 1745, ff. 91-92.

¹⁴⁰ T.G. Barnes, “As Near as May be Agreeable to the Laws of this Kingdom: Legal Birthright and Legal Baggage at Chebucto, 1749,” in *Law in a Colonial Society: the Nova Scotia Experience*, p.19.

¹⁴¹ Nova Scotia “A”, Original Correspondence, Newcastle to Shirley, 10 Aug, 1745, f. 167.

course despite these assurances, no decisions on these matters were imminent from the Newcastle administration. Understandably busy with other matters related to the war in Europe, and unwilling to divert crucial resources to provide anything other than the bare minimum required to maintain control of Cape Breton, Newcastle was happy to leave Pepperrell's New England troops in charge. Newcastle did inform him that he could draw bills from the Paymaster General, the Treasurer of the Navy, or the Treasurer of the Ordinance for the maintenance of the fort, provided "constant and particular accounts of the services on which the several expenses shall have been made" were kept for later scrutiny.¹⁴²

Despite Newcastle's lack of immediate interest in an aggressive policy towards settling Cape Breton, Warren was determined not to give up on the idea so easily. In late 1745 he wrote two more letters to Newcastle. Repeating some of his earlier ideas about the potential value of controlling the colony's fish and fur trade, he pressed for the removal of the French from North America in general as it would "then be more valuable... by infinite degrees, then (sic) it is at present to us and the French." The continual animosity stirred up by the French between the various aboriginal nations, he contended, prevented them from using their utmost industry in procuring "those valuable furs which the continent affords." However, in his opinion mastery over the French and economic benefits for Britain from the colonies north of New England could never be accomplished without first establishing a proper British colony on the strategic island of Cape Breton. In fact, it could never be profitable for Britain "if it is not established as a civil government, a free port, and such other encouragement as shall be thought proper given to people to settle it, it will never answer those ends, but on the contrary will be a most expensive garrison..."¹⁴³ Maintaining Louisbourg in its current state as a strictly military concern indeed turned out to be an expensive possession. Near the end of King George's War, the British parliament tallied the accounts of the expenses incurred by Massachusetts in the taking of Cape Breton, as well as the colonies of New Hampshire, Connecticut, and Rhode Island, who made contributions to the failed expedition against Canada. Parliament eventually reimbursed the colonies for their expenses in 1749, to the tune of more than £180,000.¹⁴⁴ The expenses to maintain Louisbourg in 1748, the only year for which financial statements are available, were

¹⁴² Nova Scotia "A", Original Correspondence, Newcastle to Pepperrell, 10 August, 1745, f. 173-174.

¹⁴³ Nova Scotia "A", Original Correspondence, Warren to Newcastle, 3 October, 1745, f. 201.

¹⁴⁴ J. Shy, "The American Colonies in War and Revolution, 1748-1783," in The Oxford History of the British Empire, Volume II, p.302.

nearly £16,000.¹⁴⁵ Indeed, Warren warned Newcastle in late 1745 that he had been informed by the French there that “it was a question often in the mouth of the French king and his ministry, whether the streets of Louisbourg were paved with gold, or its walls composed of Lewis-dores...”¹⁴⁶ Charles Knowles, Warren’s successor as governor, would later tell Newcastle that the climate alone made a mockery of any attempt at effective masonry fortification.¹⁴⁷

Elaborating on his earlier arguments for settling Cape Breton, Warren widened the scope of the colony’s importance to the greater British Atlantic. He argued that a Cape Breton colony would support a naval base of crucial importance to West Indian and American colonial merchants, an assembly point where they could gather twice a year in order to form protective convoys for the journey to Britain. Furthermore, control of the fish and fur trade around the St. Lawrence and Newfoundland would mean that “their West India colony must greatly suffer as well as their trade to Europe...” in those commodities.¹⁴⁸ For Warren, Cape Breton was not simply a means of controlling the St. Lawrence fishing trade or a launching point for an expedition against Canada, but also a strategic base from which the British Navy could slowly choke the French out of the Atlantic altogether.

Regardless of its potential costs, condition or strategic value, Louisbourg’s capture met with popular acclaim at home, as well as significant interest from some influential people. In London, bonfires were lit in celebration, church bells pealed, and guns of the tower of London were fired.¹⁴⁹ Against a background of military failure and disappointment in Europe, the successful campaign was greeted with a frenzy of enthusiasm. After the end of the war, the famous composer George Frideric Handel wrote Music for the Royal Fireworks to celebrate the British victories at Louisbourg and Dettingen, and the Peace of Aix-la-Chapelle.¹⁵⁰ It also produced a wave of pamphlets and press releases emphasizing both the importance of the conquest and the gravity of the commercial challenge from France. French control of Cape Breton was represented as the greatest source of the expansion of their overseas and colonial trade since 1713. It was also portrayed in the British press as the key to Canada and guaranteed access to the Newfoundland fishery. Apprehension in Britain about the effectiveness of French

¹⁴⁵ L.F. Stock, *Proceedings and Debates of British Parliament Respecting North America (1739-1754)*, Volume 5, p.267.

¹⁴⁶ Nova Scotia “A”, Original Correspondence, Warren to Newcastle, 23 November, 1745, f. 234.

¹⁴⁷ J. Gwyn, *Frigates and Foremasts*, p.19.

¹⁴⁸ Nova Scotia “A”, Original Correspondence, Warren to Newcastle, 23 November, 1745, f. 245.

¹⁴⁹ J. Gwyn, *Frigates and Foremasts*, p.13.

¹⁵⁰ P. Langford, *A Polite and Commercial People*, p. 192; see also L. Colley, *Britons Forging the Nation*, pp. 31-33.

commercial expansion since the Treaty of Utrecht, and the threat it presented to the British Empire, had been a background concern amongst politicians and the public before the war. Now concerns about the British overseas colonies burst into the spotlight. Calls for Cape Breton to be retained began almost immediately after its capture became known in Britain, and popular enthusiasm for its retention would become an important factor in British diplomatic policy in the final stages of the war.¹⁵¹

The importance of capturing Louisbourg would quickly become apparent in diplomatic and political circles in London. King George II and several ministers in his cabinet were reported to be delighted with the victory. Former Prime Minister Lord Granville saw the conquest as the “first opening of the dawn of glory.”¹⁵² Despite this initial enthusiasm, not all British ministers were completely convinced that the capture of Cape Breton was an important or useful victory. Writing to a friend, MP Sir Horace Walpole stated that “We are making bonfires for Cape Breton, and thundering over Genoa, while our army in Flanders is running away, and dropping to pieces... while the King is at Hanover... not five thousand (soldiers) in the island, and not above fourteen or fifteen ships at home – allejuah!”¹⁵³ Walpole’s comments reflect the underlying sentiment among the Whig elite in Britain that although the colonies and overseas commerce were important, the old international policy of maintaining the balance of power in Europe was still paramount. This rang especially true for King George II, whose Hanoverian relations in the Holy Roman Empire were threatened by a powerful France. Furthermore, much of Britain’s wealth in overseas commerce depended on the re-export market to the continent. Taking an active role in European diplomacy was akin to protecting an investment; Britain’s military policy in Europe did not aim to subordinate European nations to London, but rather to ensure their loyalty as trading partners.¹⁵⁴ Prime Minister Henry Pelham had mixed feelings about the conquest. He wrote: “I much fear success. Cape Breton will be a stumbling block to all negotiation (with France).” But he also noted that the British public “look upon it as a most valuable possession for this country; as indeed it is, if it did not endanger the quiet possession of what is more valuable. Gibraltar and Minorca have kept us... at variance with Spain; I am of

¹⁵¹ B. Harris, *Politics and the Nation: Britain in the Mid-Eighteenth Century*, p.241-242.

¹⁵² J. Gwyn, *Frigates and Foremasts*, p.13.

¹⁵³ W.S. Lewis, *Horace Walpole’s Correspondence*, Volume 19, Walpole to Sir Horace Mann, 26 July, 1745, p.79.

¹⁵⁴ E. Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution*, p.2-15. For a fuller elaboration on British foreign policy in this period, see U. Dann, *Hanover and Great Britain, 1740-1760: Diplomacy and Survival* and J. Black, *Knights Errant and True Englishmen: British Foreign Policy, 1660-1800*.

opinion, Cape Breton will do the same with France,” though likely at great cost.¹⁵⁵ Such a policy would also appeal to Tories, since they would have embraced the expansion of the empire rather than the expansion of the state during this period.¹⁵⁶

John Russell, the Fourth Duke of Bedford, was at the time First Lord of the Admiralty and received many letters of congratulations for the naval victory at Louisbourg. William Pitt, an MP in the House of Commons who would later become a prominent political figure and opponent of Bedford, wished Bedford “...the joy of Cape Breton; I know you feel national success, and you contribute more than anyone to procure it.”¹⁵⁷ Bedford initially took a keen interest in Louisbourg, and appeared especially concerned with maintaining possession of it for Britain throughout the war. Writing to Warren to inform him of the King’s acceptance of his resignation as Louisbourg’s Governor, Bedford mentioned that the King was “...thoroughly sensible of the importance of preserving this conquest to us,” and assured him that strong reinforcements of ships would be sent there in the spring, along with Warren’s replacement as governor.¹⁵⁸ Writing to Newcastle in early March 1746, Bedford presented Louisbourg as the first spark in a chain reaction from which the French would be removed from North America altogether. Bedford recounted Warren’s earlier thoughts that control of the fish and fur trades of Canada would make it impossible for the French to supply their sugar plantations in the West Indies, thereby severely damaging French commerce in the Atlantic. Furthermore, their removal would limit their access to masts and other ship building materials, permanently reducing their navy to an inferior status in comparison with Britain’s. Finally, such a conquest would secure Britain’s current possessions on the North American continent, and allow the eastern parts of New England and Nova Scotia to be settled in a more effective manner, especially since in Nova Scotia “all the inhabitants are of French origin, (and) seems to be greatly exposed as long as the French continue masters of Canada.”¹⁵⁹ Bedford recommended Louisbourg as the rendezvous point for an intended expedition for the reduction of Canada, which would sail up the St. Lawrence to besiege Quebec City and Montreal, planned for 1746. The expedition was assembled in New England, but never

¹⁵⁵ W. Coxe, Memoirs of the Administration of the Right Honourable Henry Pelham: Collected from the Family Papers, and Other Authentic Documents, Volume 2, p.284.

¹⁵⁶ W.A. Speck, Stability and Strife: England, 1740-1760, pp. 147-152 & 170-176.

¹⁵⁷ J.R. Bedford, ed., Correspondence of John, Fourth Duke of Bedford, Volume 1, Mr. Pitt to the Duke of Bedford, 2 August, 1745, p.34.

¹⁵⁸ J.R. Bedford, ed., Correspondence of John, Fourth Duke of Bedford, Volume 1, Duke of Bedford to Admiral Warren, 30 October, 1745, p.54.

¹⁵⁹ J. Gwyn, The Royal Navy and North America, Bedford to Newcastle, 24 March, 1746, p.223-225.

set out on its mission due to adverse weather conditions, administrative lethargy in London, and poor recruitment rates in New England.¹⁶⁰

Despite all of the optimistic assertions of Warren, Pepperrell and Shirley about the economic and strategic potential of Cape Breton and Nova Scotia, it did not take long before festering problems with the old administration of the colony, and new problems in Louisbourg, began to appear. These problems were, for the most part, not the fault of those officers left in charge of the military governments at Annapolis Royal and Louisbourg, but were instead indicative of the rudimentary state under which their administrations were expected to operate. The government in London, absorbed in the battles on the European continent, and the Jacobite Rebellion of 1745-46,¹⁶¹ gradually lost interest in both colonies throughout the course of the war. Meanwhile the two administrative centers in Nova Scotia fell into disorder and chaos, leading to more insistent and frequent communications with officials in London demanding greater attention to their problems, and a more stable British presence there. It is perhaps in part because of these protests that after the end of the war, Parliament and the Board of Trade felt compelled to spend vast sums of money establishing a new British settlement at Chebucto Harbour, the site of modern day Halifax.

Annapolis Royal near the eastern end of the Bay of Fundy had remained the sole British administrative center in Nova Scotia since 1713, and the only British settlement aside from Canso. By 1745 Colonel Richard Philipps had governed the province in absentia for the better part of twenty three years. Major Paul Mascarene, appointed Lieutenant Governor of the province in 1740, was for all intents and purposes in charge of the day to day administration of Fort Anne. Having witnessed the failure of the heavy handed policies towards the Acadian inhabitants by the previous Lieutenant Governor Lawrence Armstrong, Mascarene determined to adopt a more conciliatory approach. He worked to negotiate even-handed and fair minded policies towards the Acadians of Minas Valley on issues such as land grants and the administration of the oath of allegiance to the British crown. However, Mascarene's patience was frequently tested by the activities of the Catholic missionaries in the province, many of

¹⁶⁰ J. Gwyn, *Frigates and Foremasts*, pp.15-18. Gwyn provides a complete explanation for the failure of this expedition. By 1747 the priorities of the Admiralty had shifted to Britain's possessions in the Mediterranean, and an invasion of Canada was off the table.

¹⁶¹ For a detailed discussion on the Jacobites and the rebellion of 1745, see E. Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution*, pp. 24-31, and F. O'Gorman, *The Long Eighteenth Century*, pp. 152-159.

whom were sent from French Canada. The priests living amongst the Acadians took it upon themselves to dispense law and justice arbitrarily, threatening the authority of the administration at Fort Anne. Mascarene, writing to Father Desenclaves of the parish at Pisiquid, argued that the missionaries there had assumed the power to make themselves “the sovereign judges & arbitrator of all causes amongst the people,” and complained “how this tends to render all civil judicature useless, & how easy it will be for the Missionarys to render themselves the only distributors of Justice... and of what consequences it is for the maintaining of his Maj’ty’s authority to restrain that power.”¹⁶² However, this judgment appears somewhat hypocritical in light of the fact that the Annapolis administration meted out justice in a similar fashion. Annapolis Royal had no legally appointed judges, no juries were called, and no prosecuting officers were appointed. In disputes which arose about possessions and property, and any other civil cause, the Governor and his Council at Annapolis acted as the Court of Justice under the name of the General Court. They also held but rarely exercised jurisdiction over criminal cases, excluding cases involving capital offences.¹⁶³ This would later become an issue in Annapolis after the outbreak of war and deteriorating relations with the Acadians.

Furthermore, new missionaries continued to arrive amongst the Acadians during Mascarene’s administration who were strongly suspected of agitating among them to oppose the British authority at Annapolis Royal. The Acadians, for their part, recognized that co-operating with the conciliatory Mascarene would be of more benefit to them than opposing him. However this spirit of co-operation would begin to change by the outbreak of King George’s War in 1744 and Mascarene’s patience with the Acadian population would wear thin.¹⁶⁴ In August 1744, a French expeditionary force from Louisbourg under commanders Francois and Joseph Duvivier, composed of French regulars as well as Mi’kmaq and Maliseet fighters, set out for Annapolis Royal. After an almost month long siege of the fort, the French force was repulsed by Mascarene’s troops and reinforcements consisting of a company of New England Rangers under Captain John Gorham.¹⁶⁵ In the aftermath of the siege, the Acadians of Minas Valley were initially able to maintain peace with Annapolis Royal by presenting evidence to Mascarene that they had not aided the French forces, and had in fact asked them to leave their district. The

¹⁶² J. Grenier, *The Far Reaches of Empire*, pp.92-94.

¹⁶³ B. Murdoch, “An Essay on the Origin and Sources of the Law in Nova Scotia,” (1863), in *Law in a Colonial Society: The Nova Scotia Experience*, p.187-188.

¹⁶⁴ *Ibid*, pp.95-97.

¹⁶⁵ J. Grenier, pp.115-118.

Chignecto Acadians, however, were strongly suspected of harboring and aiding the French. When Mascarene requested the Minas Acadians to assist Gorham's Rangers by providing guides, they refused. At the urging of Gorham, Mascarene began taking a more aggressive stance towards the Acadians, especially after the capture of Louisbourg.¹⁶⁶

Writing to Newcastle in November 1745, Mascarene's frustration with the Acadians and the general state of affairs in Nova Scotia boiled over. Despite the British takeover in 1713, the Acadians had by this time developed a flourishing integrated economy based on agriculture, grist mills and artisan trades. They also carried on a strong trade in grain and livestock with New England and Louisbourg.¹⁶⁷ Indeed the Minas Valley and Chignecto were "full of corn and cattle," but Mascarene lamented that it was of little use to the British in Nova Scotia. Rather it would support any French expeditionary force from Canada, whom he expected the Acadians would offer their support too should any such force arrive. He also pointed out that the Acadians there paid no taxes to the British administration, only a small quit rent on their lands which amounted to a pittance of £15 Sterling per year. Meanwhile, they voluntarily contributed to the salary of their French priests who, as Mascarene charged, must be spies as they were subjects of France and already received a salary courtesy of the French king. If the Acadians were not to be regarded as outright enemies to the British government, they "cannot be accounted less than unprofitable inhabitants for their conditional oath of allegiance will not entitle them to the confidence and privileges of natural British subjects..." especially while French Catholic priests lived among them.¹⁶⁸ Because of the lack of a useful, taxpaying colony around Annapolis, and London's reluctance to provide larger contributions of funds and manpower to make up for the shortfall, Mascarene complained that Fort Anne's garrison was continually in poor physical condition. Ever since the Treaty of Utrecht, the dilapidated earthen works that made up the fortifications of Fort Anne were left as they were by the Board of Ordinance, despite their knowledge that only rebuilding the fortress with stone works would make it defensible.¹⁶⁹ In 1744, the Board of Ordinance spent the paltry sum of £2,546 to maintain the garrisons at both Annapolis Royal and Canso. By 1751 the expenditure remained almost unchanged at £2,870, though this would have been understandable since by now Parliament was spending money to

¹⁶⁶ J. Grenier, *The Far Reaches of Empire*, pp.120-131.

¹⁶⁷ J. Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*, p. 16-17.

¹⁶⁸ Nova Scotia "A", Original Correspondence, Mascarene to Newcastle, 8 November, 1745, ff. 220-221.

¹⁶⁹ B. Moody, "Making a British Nova Scotia," p.138-139.

build a new settlement at Chebucto.¹⁷⁰ Furthermore, New England troops sent by Shirley in 1744 as reinforcements were growing restless and desired to be dismissed so they could return home. Finally, the lack of any naval vessels for the defense of the harbor left Annapolis exposed to attack by “a very insignificant force by sea,” and offered as evidence the recent capture of two Board of Ordinance vessels which carried stores for Fort Anne by French Men of War in the Bay of Fundy. Mascarene concluded his letter rather bitterly by asking Newcastle “whether the said French inhabitants may not be transported out of the province... and be replaced by good Protestant subjects.”¹⁷¹ Clearly Mascarene was discouraged not only by the lack of proper defenses for Fort Anne or the perceived treachery of the Acadians, but what irked him most of all was the fact that his colony was not a British one, and, therefore, not subject to British law and order, nor a proper civil administration which could improve the circumstances of the Annapolis Royal settlement.

Meanwhile in Louisbourg, both Warren and Pepperrell acknowledged to Newcastle that creating a useful settlement at Louisbourg would require a large contribution of military resources from Britain. A commitment of no less than three or four thousand British regulars, in their opinion, was necessary for the defense of Louisbourg until such time as the colony could be stocked with inhabitants. As Warren put it, “the French had never more than 800 regular troops here, they could in three days call in the peasants and fishermen which, with the dwellers within the walls and in the suburbs, made up about 5 or 6 thousand well armed men.”¹⁷² Considering such a commitment would require the diversion of a large amount of manpower from the European continent, it was very unlikely that Newcastle would consider such a scheme. Indeed Newcastle never responded to Warren’s suggestion. Warren’s Louisbourg had also endured a hard winter. Pepperrell’s New England troops, inexperienced as they were when it came to large scale operations, knew little of the proper procedures for camp sanitation and health. By mid-January of 1746, 500 of the troops had died and 1100 were sick, and problems with disease would not end with Warren’s departure that year.¹⁷³ It was becoming clear already that the great victory for the British Empire was being grossly mismanaged by a British administration that did not have the will or the wealth to supervise it properly.

¹⁷⁰ L.F. Stock, Proceedings and Debates of British Parliament Respecting North America (1739-1754), Volume 5, pp.178 & 443.

¹⁷¹ Nova Scotia “A”, Original Correspondence, Mascarene to Newcastle, 8 November, 1745, f. 222.

¹⁷² Nova Scotia “A”, Original Correspondence, Warren and Pepperrell to Newcastle, 18 January, 1746, f. 6.

¹⁷³ J. Grenier, The Far Reaches of Empire, p.129.

The only administrative action for Louisbourg that was forthcoming was Newcastle's appointment of Warren's replacement as governor, the hard-nosed Commodore Charles Knowles. Hardly the "good governor" that Pepperrell had envisioned, Knowles would soon enough become an advocate to the Admiralty and Board of Trade for the abandonment of any plans to use Louisbourg as a British colony.¹⁷⁴ To be fair to Knowles, the Louisbourg he inherited was far from a shining example of military discipline, and in fact appeared to lack any administrative organization or local support structures. Knowles's first two letters to Newcastle, written before he had even arrived in Louisbourg, are instructive. Knowles wrote to the Board of Trade that he was aware the governor and commander-in-chief of Louisbourg did not have a secretary, as was common practice at other garrisons, and requested that Newcastle provide for one during his governorship.¹⁷⁵ A short time later, Knowles also requested Newcastle grant him the proper powers to assemble courts martial while in Louisbourg, indicating that the governor's power to do so may not yet have existed under Warren's governorship.¹⁷⁶ While Knowles was granted the power to assemble courts martial, there is no evidence that Newcastle ever responded to his request for a secretary. Indeed, Lieutenant Colonel Peregrine Hopson, who governed Cape Breton briefly from late 1747 after Knowles's departure, complained of the same problem. Without a secretary, Hopson wrote, "it is not in the power of a governour to do half the business he has, there being so much writing and accounts required to be gone through."¹⁷⁷

After Knowles's arrival at Louisbourg, it only took one month for the lack of discipline amongst the New England troops to become apparent, and he quickly developed a low opinion of them as soldiers. Complaining that the commerce of Louisbourg had changed from fish to rum since its capture, and drunkenness among the troops nearly constant, he had been obliged to deprive everyone of licenses to sell liquor and had confiscated around 64,000 gallons of rum. The predominance of rum as the chief article of import into Louisbourg is unsurprising. As Richard Pares has observed, a great deal of the West Indies trade with the American colonies involved exports of sugar, molasses and rum. New England and the other American colonies used West Indies molasses to supply their own home markets with cheaper rum, and export it to

¹⁷⁴ J. Gwyn, *Frigates and Foremasts*, p. 19.

¹⁷⁵ Nova Scotia "A", Original Correspondence, Knowles to Newcastle, 18 March, 1746, f. 42.

¹⁷⁶ Nova Scotia "A", Original Correspondence, Knowles to Newcastle, 17 April, 1746, f. 73.

¹⁷⁷ Nova Scotia "A", Original Correspondence, Lt. Colonel Hopson to Captain Conolly, 30 November, 1747, f. 133.

colonies which did not yet have their own distilleries such as Newfoundland and Virginia.¹⁷⁸ He also noted that despite Warren's attempts to encourage New England fishermen to begin settling in Louisbourg, and Knowles's offers to them of "houses, boats, lines, hooks, and netts gratis, there is but two settled here yet and those rather out of restraint than choice." The land, he stated, could never be offered to settlers as encouragement, as it was "miserably barren," and that the French poor in the colony had complained that "in the space of many leagues there is not ten yards square of firm ground the whole island being rocks, swamps, morrass or lakes" completely unfit for any sort of subsistence farming.¹⁷⁹ Furthermore, it was not even an ideal place for catching fish. The rocky seas around Louisbourg provided poorer quality fish than the sandy Grand Banks of Newfoundland, and frequent fog made it nearly impossible to cure any fish that were caught. Though he admitted that control of the fur trade would be of national benefit to Britain, he noted sardonically that "they would (have to) wait two centurys (as the French have done) to accomplish such a scheme..." Commenting on the quality of the fortifications, he expressed the opinion that the vast sums of money purportedly spent on Louisbourg by the French crown must have been embezzled by its governors. He claimed that New Englanders only came to Louisbourg for one reason, charging that the "generals down to the corporals were sellers of rum." Turning to attack the shocking condition in which he found the garrison upon his arrival, he described the conditions in the barracks as "confused, dirty," and "beastly." The New England troops were "so lazy that they not only pulled one end of the house down to burn which they lived in but even buried their dead under the floors and did their filth in the other corners of the house rather than go out of doors in the cold."¹⁸⁰ A profound lack of military discipline among them was to blame. In his opinion, putting Louisbourg into a reasonable state of repair and defense could not be done out of the annual supply of the Board of Ordinance, but would require a special parliamentary grant. This, he acknowledged, was probably not possible while Britain was fighting a war on the European continent. In Knowles's opinion, Louisbourg lacked even the basics of a proper military government establishment, let alone the potential to develop it into a useful colony in any near future.

¹⁷⁸ R. Pares, Yankees and Creoles: The Trade between North America and the West Indies before the American Revolution, pp. 29-36.

¹⁷⁹ Nova Scotia "A", Original Correspondence, Knowles to Newcastle, 5 July, 1746, ff. 184-185.

¹⁸⁰ Nova Scotia "A", Original Correspondence, Knowles to Newcastle, 9 July, 1746, ff. 5-7.

Scarcely a month after this diatribe Knowles wrote once again to Newcastle on behalf of the commanding officers at Louisbourg to inform him that there were no funds available with which to pay the troops stationed there. Not being able to procure sufficient funds for Louisbourg using either their own bills of exchange or those of the pay masters he had been instructed to draw upon, he was forced to use his personal credit with New England merchants to provide subsistence supplies for the garrison. He requested Newcastle have sent an immediate shipment of specie, and added ominously that it was necessary “to prevent any consequence that may arise from the troops in your garrison wanting their proper pay.”¹⁸¹ This problem was no doubt compounded by the fact that Knowles was forced to use Acadian labor to carry out necessary repairs to the fortifications. Knowles was obliged to feed them so they could carry out such labour, as they were no longer receiving food stuffs from the Chignecto Acadians and had little of their own.¹⁸²

All in all, Knowles made it known to Newcastle and the Admiralty every chance he got that the best course of action they could take for Louisbourg was to have the fortress torn down. However, despite his bitterness at having been made governor of such a “miserable ruinous place,”¹⁸³ acknowledgement of his recommendation to destroy the fortress was neither forthcoming from Newcastle nor the Admiralty. The British administration still held out hope at this time that Louisbourg would be the launching area for a military expedition against French Canada. Lacking any sort of government machinery whatsoever, Knowles was forced to make piecemeal attempts to govern Louisbourg in the only way that was currently available to him, by executive order. Naturally, Knowles’s first official act was to issue a decree regarding the control of liquor sales. The restless New Englanders had no doubt demanded that Knowles lift his ban on rum distribution. As an apparent compromise with them, Knowles’s decree of November 1746 gave licenses to five colonists under strict regulations, the punishment for the breaking of which was confiscation of their stores and fines. It is interesting to note that Knowles only gave these licenses to women. Possibly, he rationalized that the wives of the soldiers were less likely to allow the men to come to harm through excess drunkenness, nor were they as likely to attempt to profit illicitly from their licenses.¹⁸⁴

¹⁸¹ Nova Scotia “A”, Original Correspondence, Knowles to Newcastle, 6 August, 1746, ff. 25-26.

¹⁸² Nova Scotia “A”, Original Correspondence, Knowles to Unknown Recipient, 25 July, 1746, f. 24.

¹⁸³ J. Gwyn, *Frigates and Foremasts*, p.19-20.

¹⁸⁴ Nova Scotia “A”, Original Correspondence, Decree of Charles Knowles, 10 November, 1746, f. 122.

This was hardly enough, however, to stem the festering problems in the garrison. By the summer of 1747, the New England troops threatened open rebellion. Short of cash by this time, the Admiralty was granted an order by the Privy Council to stop the pay of the regiments at Louisbourg. When the troops threatened to mutiny, Knowles called them to order and explained that their pay was stopped by his Majesty's order due to shortages of cash occasioned by the war. The mutineers responded that "they were ready to obey his majesty's commands with their lives..." but without pay they could not supply themselves with the necessaries of life in such a "scarce and dear place." Faced with no other option to stop a full scale rebellion, Knowles told them that that he would order their pay and provisions continued to them, for which he would later draw bills on the Agent Victualler in New England. Chastised by Newcastle and the British Treasury for doing so, Knowles was forced to apologize for his conduct, but explained that he was lucky the troops accepted his promise to continue their pay and did not instead set out on a destructive rampage. The troops, he protested, were in a "ragged and almost naked condition," and he beseeched Newcastle to have new clothing and bedding sent for them as soon as possible to help quell their agitation.¹⁸⁵ Both the underpayment and non-payment of soldiers and sailors was a common problem in the British army and navy in the 18th century. As Paul Langford has observed, the able seaman's basic pay of 24 shillings per month was not raised between 1653 and 1797. Common soldiers were often defrauded by commanding officers who depended for their own living on profitable management of their troops. The Navy Board was also notorious for giving low priority to the payment of wages to its own sailors.¹⁸⁶ The Admiralty would have had far less respect for the New England troops stationed at Louisbourg, and the outright stoppage of their pay would, in this light, seem unsurprising.

Knowles was forced to make other concessions to placate the soldiers as well. He issued a series of decrees addressing the recently attempted mutiny, the first of which ordered that no soldiers were to absent themselves from duty using smallness of pay as an excuse, but they would be allowed to apply to their superior officers for future redress of their back pay.¹⁸⁷ In a separate decree he acknowledged that because the New England paper money they were currently being paid with had depreciated throughout the war, and provisions and other necessaries had inflated considerably in value, he provided those troops laboring to repair the

¹⁸⁵ Nova Scotia "A", Original Correspondence, Knowles to Newcastle, 28 June, 1747, ff. 167-170.

¹⁸⁶ P. Langford, *A Polite and Commercial People*, p. 451.

¹⁸⁷ Nova Scotia "A", Original Correspondence, Decree of Charles Knowles, 17 July, 1747, ff. 190-191.

fortifications with a two shilling raise. He warned them, however, that they were not to excuse themselves from labour if the money should farther depreciate, but instead take their complaints to him, which he would “redress to the best of his power.”¹⁸⁸ Finally, Knowles was forced to fix the price of liquor, which had inflated considerably and was primarily imported from New England.¹⁸⁹ It is not mentioned in the correspondence, but one assumes that the credit he used in order to fix rum and beer at a lower price likely came out of the treasury appropriations for Louisbourg, since it could have come from no other source.

Despite the constant administrative nuisances Knowles was subjected to as Governor of Louisbourg, and his own deteriorating health, he did grudgingly admit that Nova Scotia, if not Cape Breton, was probably important enough to the British that it was worth expending some money and effort to keep it. By September 1746 Knowles had received intelligence that the French had sent an armada of ninety seven ships under duc d’Anville to American waters to besiege an as yet unknown American settlement. This ill-fated expedition would ultimately be forced to return to France because of poor weather, shipwreck and disease.¹⁹⁰ Before receiving this news, however, Knowles wrote to Newcastle and stated that the fleet currently at Louisbourg was probably sufficient to defend it, but expressed fears that the poorly defended Annapolis Royal was vulnerable to capture. In the event Fort Anne was taken, Louisbourg’s forces were probably strong enough to defeat any enemy squadron left behind in the Bay of Fundy the following spring, and recapture Annapolis Royal, though likely at great cost. At the same time, he suggested they should continue on to “drive all the French out of Acadia which is a most fertile country and abounds with timber and masts beyond any other part of our colonys...”¹⁹¹

Mascarene, for his part, corresponded with Newcastle about escalating troubles at Annapolis Royal. The Lieutenant Governor continued to write to Newcastle to complain that the lack of a civil government and settlers contributed to the weak state of the garrison and their inability to govern over the Acadians.¹⁹² His greatest problems, however, were less administrative than they were associated with deteriorating relations with the Mi’kmaq and Acadians. After receiving word that French forces in Minas Valley and the Chignecto, supposedly supported by the Acadians, had withdrawn upon learning of the fate of d’Anville’s

¹⁸⁸ Nova Scotia “A”, Original Correspondence, Decree of Charles Knowles, 19 July, 1747, ff. 192-194.

¹⁸⁹ Nova Scotia “A”, Original Correspondence, Decree of Charles Knowles, 21, July, 1747., ff. 197-198.

¹⁹⁰ J. Grenier, *The Far Reaches of Empire*, p.130.

¹⁹¹ Nova Scotia “A”, Original Correspondence, Knowles to Newcastle, 19 Sept, 1746, ff. 41-42.

¹⁹² Nova Scotia “A”, Original Correspondence, 23 January, 1747, ff. 26-27.

fleet, Mascarene now gave permission to Gorham's Rangers, along with reinforcements from New England, to occupy Minas and Grand Pre. The remaining Acadians near Annapolis Royal disobeyed direct orders to appear before council where they were to be appointed as guides for Gorham and the New England companies, and instead fled into the woods.¹⁹³ Mascarene and his council responded with an arbitrary executive order to confiscate the estates of three such "delinquents" for the use of the garrison, including seven head of cattle. The Council also took the opportunity to order their deputies to inform the inhabitants that anyone found to be carrying on "Voluntary Correspondence" with French forces would similarly forfeit their estates "for his majesties use."¹⁹⁴ Such arbitrary treatment of the Acadians was no doubt justified in the eyes of the council given Mascarene's 1745 assertion that they were not entitled to the rights and privileges of natural British subjects.

The presence of the New England forces in Grand Pre sparked a surprise attack by Canadian militia and Maliseet fighters in January 1747. The New Englanders were defeated soundly and sustained heavy losses, with the survivors forced to return to Annapolis. Although the Canadian militia returned to Quebec to be dispatched to a frontier campaign in New York, Mascarene had lost hope, and rightly so, of the defensibility of British authority in Nova Scotia.¹⁹⁵ He reported to Newcastle in August 1747 that the forces of the garrison had not even been sufficient to prevent the inhabitants from fleeing Annapolis and joining the French and Indians from Canada, leaving the garrison unsupplied and exposed to attack. The prospects of preventing its capture by any French land or sea force that would reclaim the province for Canada were no better, and would lead to French control of "every inch of the mast country belonging to his Majesty in less than six weeks." Mascarene proposed that instead of letting the province fall into French hands and having to go to the trouble of fighting to recapture it, it would be far cheaper for the British administration to erect three new forts. The first would be at Chebucto, where there was as very serviceable harbour, land that was well suited to improvements, and well situated for the fishery. The second would be at Minas, the costs of which could be defrayed by a profitable settlement at Chebucto. Finally, another fort should be erected at Bay Verte, "which would effectually prevent the incursions of the French and Indians

¹⁹³ J. Grenier, *The Far Reaches of Empire*, p.132-133.

¹⁹⁴ C.B. Fergusson, ed., *Minutes of his Majesty's Council at Annapolis Royal, 1736-1749*, at a Council held on 14 November, 1746, p. 93-95.

¹⁹⁵ J. Grenier, *The Far Reaches of Empire*, pp. 133-137.

from Canada, and subject the Acadians “of those places which are the most disaffected of any to a proper obedience.” The Acadians of the rest of the province would in due time become “good subjects to his Majesty,” and contribute taxes towards the support of the government in Nova Scotia.¹⁹⁶

Writing to the Board of Trade after the end of the war in October 1748, Mascarene’s opinions on the importance of Nova Scotia hadn’t changed. Having been asked his opinion on what should be done to improve British strength in the province; he stated that Nova Scotia could best serve the crown by being made into a bulwark of British defense against the French in North America. Had the French succeeded in holding Louisbourg and mastering the province, they would have had the Acadians and Indians allied to them, and overrun New England in the space of a year. He strongly criticized the post war decision to return Louisbourg to France by the Treaty of Aix-la-Chapelle, saying that before long they would simply be back in the same position of power over the province they were in before the war. Repeating his suggestion for new settlements at Minas and Chebucto, Mascarene suggested Chebucto could be the center of the province’s government with a civil government and “duly qualified subjects,” by which he no doubt was referring to British and Protestant subjects. He observed further that travel from Chignecto to Minas was “easy,” and a road could be made from Minas to Chebucto at minimal expense. One of the results of this communication between settlements would be the “the intercourse the French inhabitants will be obliged to have with the English in the proposed settlement, (and) may in time bring them to be better subjects.”¹⁹⁷

Ian Steele and others have studied the effect that improving Atlantic communications had on spreading British culture throughout the growing empire.¹⁹⁸ It appears that British officials in the colonies recognized the potential value of improved overland communications to assimilate groups outside the English sphere of influence as well. Lieutenant Edward Amhurst, a member of Mascarene’s Council, had in 1745 developed a scheme by which new land grants could be

¹⁹⁶ Nova Scotia “A”, Original Correspondence, State of the Province of Nova Scotia, Mascarene to Newcastle, 19 August, 1747, ff. 13-32.

¹⁹⁷ Nova Scotia “A”, Original Correspondence, Mascarene to the Board of Trade, 17 Oct, 1748, ff. 232-243.

¹⁹⁸ Steele describes the transmission of British culture and values to North America in the chapter entitled “Communication and Community,” in *The English Atlantic, 1675-1740: An Exploration of Communication and Community*. Other works which provide more detail on this topic include D. Cressy, *Coming Over: Migration and Communication Between England and New England in the Seventeenth Century*; E. Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution*; T.H .Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence*. For the French dimension of this discussion see K. Banks, *Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713-1763*.

used to annex valuable lands in Minas Valley and the Chignecto for British settlers. This would also serve to more effectively bring the province's French inhabitants into the British administrative orbit. These new townships would be peopled and secured by ex-servicemen, thereby "strengthening the colony without charge to the government with a serviceable militia."¹⁹⁹ Annapolis Royal should be maintained, Mascarene asserted, as the most convenient harbor in the Bay of Fundy, and well situated to supply and support new settlements and garrisons in Minas and the Chignecto, as well as improve communications between settlements. These new settlements would, in turn, provide foodstuffs for the support of a settlement at Chebucto. He also suggested taking measures to closely regulate the Catholic missionaries among the Acadians, "who are subjects of France and under the direction of the Bishop of Quebec," and were there solely to promote the French interest. The insertion of some French Protestant ministers amongst them would aid in their conversion to the British interest.

Difficulties in the administration of justice surfaced as well. Referring to some Acadians who had been apprehended and brought before Council for siding with the French, Mascarene informed Newcastle that he was not certain if the power of his Council to try cases extended to criminal matters. Besides this, there were no officers who could "execute sentences in a civil way," nor were there any proper persons assigned as jail wardens, or any buildings that could be used as jails. He reiterated the opinion he expressed in 1745 that the Acadians should simply be deported, but acknowledged that doing so was problematic as many would have to be sent to Cape Breton and the Isle of St. John, before they could be removed to France.²⁰⁰

As the War of the Austrian Succession drew on in Europe, it became evident that the Admiralty and the British Ministry were losing interest in their conquest at Cape Breton. In September 1746 Henry Fox, Secretary of War, wrote to his brother that Newcastle and Philip Yorke (Lord Chancellor Hardwicke), were intent on continuing the war with France "merely from the fear of giving up Cap Breton, which by all accounts from thence is neither to be kept, nor worth keeping, unless pursu'd by the conquest of all the other northern French settlements."²⁰¹ If Newcastle was so concerned about the fate of Cape Breton during the war, however, he certainly did not show it in an administrative sense. From the capture of Louisbourg

¹⁹⁹ Nova Scotia "A", Original Correspondence, Lieutenant Edward Amhurst, Further Observations Relating to the Settlement of Nova Scotia, 1745, ff. 259-260.

²⁰⁰ Nova Scotia "A", Original Correspondence, Mascarene to the Board of Trade, 17 Oct, 1748, ff. 242-243.

²⁰¹ G. Fox, ed., Henry Fox, First Lord Holland, His Family and Relations, Volume 1. Fox to Ilchester, 3 September, 1746, p.136.

to the end of 1748, Newcastle only wrote to Shirley and the governors in Cape Breton and Nova Scotia five times. Two of those instances were to instruct Shirley, Warren and Pepperrell to establish military government in Cape Breton. The other three times were merely to instruct Warren, Knowles and Hopson they had been appointed governors of Cape Breton. The Board of Trade wrote nothing of substance except for one letter to Mascarene in May 1748, informing him that peace negotiations had begun, and that a copy of one of Mascarene's letters had been laid before the king.²⁰² Otherwise the complaints of the governors of Annapolis Royal and Louisbourg about the rudimentary conditions they were forced to govern under were virtually ignored.

The only influential Briton who showed serious interest in supporting the cause of either Nova Scotia or Cape Breton was the Duke of Bedford. In the spring of 1747, Captain Gorham, who had returned to Britain while on temporary leave from Annapolis Royal, met with Bedford and made a positive impression. Bedford was left with the opinion that Gorham's Rangers were "more than ever absolutely necessary for the immediate preservation of the province of Nova Scotia." King George II likewise met with Gorham and was sufficiently impressed to grant him a captain's commission in the regular British army. Gorham used these meetings to request an additional two thousand British regulars to strengthen the provinces garrisons. Bedford, who was still First Lord of the Admiralty at the time, did not have the power to grant him any favours, and the King was not disposed to give Gorham additional troops with the war still raging in Europe. The failure of the 1746 expedition to conquer Canada, largely the brainchild of Bedford and Lord Sandwich, had temporarily doomed Nova Scotia to ministerial obscurity until the peace negotiations of Aix-la-Chapelle. However, future Secretary of State for the Southern Department Bedford and his friends in the ministry would play an instrumental role in the development of Nova Scotia shortly after the end of the war.

Quickly becoming frustrated with the neglect of Nova Scotia and Cape Breton by the British ministry, Governors Richard Philipps and William Shirley wrote to the British ministry demanding greater attention to their administration. The absentee Governor Philipps sent a personal petition to King George II in 1746. He asked the King to request the Board of Trade to lay before Privy Council memorials Philipps claimed to have delivered to the Board on behalf of the province and Garrisons there, along with the reports of the Board regarding those memorials.

²⁰² Nova Scotia "A", Original Correspondence, Board of Trade to Mascarene, 24 May, 1748, ff. 143-144.

Philipps wished the King to be informed of the “unhappy circumstances they lye under and be enabled to judge of proper remedies for evils that are become desperate...” which, Philipps feared, could lead to the loss of both colonies. Failure to attend to the problems in these colonies would lead to “the total discouragement of settling that province and bring despair... to your majesty’s subjects there both civil and military...”²⁰³ Despite the urgency of the problems in Nova Scotia implied by the petition, it may have been difficult for the King and his ministers to take Philipps seriously, given that he had been absent from the province for the better part of twenty nine years.

Specific issues such as the administration of justice at Louisbourg appear to have become problematic over the course of the British administration there. An extract from Colonel Philipps’s journal which he sent to Mascarene, notes a case where two artificers employed by the Board of Ordinance insulted and mocked an ensign. The artificers were found guilty by the Governor’s Council and subsequently sentenced. What is interesting about this journal entry is not the case itself, but the fact that Philipps noted that the opportunity was taken to advise all officers that upon any abuse recorded by any artificers or civilians, they should “forbear striking or any otherwise doing themselves justice but by proper application to obtain it.” Furthermore, any artificers or other civilians in the district of Louisbourg were “to conform themselves to the laws provided for keeping the peace and good order of it.” Any civilians who were wronged were to “complain in a proper manner to obtain justice,” and were also warned they were expected to behave decently towards all officers as well as the rest of their brother subjects.²⁰⁴ It seems that the lack of a legitimate civil authority in the colony only bred contempt by civilians for the laws decreed by the military government. In turn, it also appears that the military personnel at Louisbourg frequently took the law into their own hands and administered corporal punishment to civilians whenever it suited them. These were exactly the sort of issues, which were a direct result of the failure to establish civil government, that Warren had warned would lead to the failure of any new British settlements in Nova Scotia. Under these conditions, it is more than understandable that Louisbourg held little appeal for potential settlers.

²⁰³ Nova Scotia “A”, Original Correspondence, Petition of Governor Philipps to King George II, 1746, ff. 151-152. No date is attached to this petition, but Philipps does mention that he had been requested by the King to return to Nova Scotia. Unfortunately, the memorials to, and reports of the Board of Trade Philipps refers to appear to be missing.

²⁰⁴ Nova Scotia “A”, Original Correspondence, Extract from Colonel Philipps’s Journal, in a letter to Mascarene, 24 July, 1748, ff. 131-132.

Shirley, who ceased advocating civil government at Louisbourg after being told only to order the establishment of a military government there, became more interested in the issues around governing the French inhabitants of Nova Scotia in the last two years of the war. Keeping the conquest of Louisbourg and securing Nova Scotia, he told Newcastle in 1746, required “putting the inhabitants on a proper foot of subjection in the most speedy manner to prevent their revolt.” He notes, however, that Mascarene and his council were apparently unable to come to firm decisions on how to deal with the Indians and Inhabitants, and would not take any steps without Shirley’s advice and approval. He also intimated that Mascarene and his council of officers were butting heads over how to interpret the recent behavior of the French inhabitants.²⁰⁵ As noted earlier, Mascarene had begun developing greater animosity towards the Acadians after the siege of Fort Anne, and it is quite possible that his officers disagreed on the wisdom of taking punitive measures against them and occupying their lands. They would have been right to assume so. With a lack of clear consensus within Mascarene’s council, and reports of Duvivier’s forces of Canadian Militia and Indians gathering near the St. John River, Mascarene made the reactive decision to allow Gorham’s Rangers and New England troops to occupy Minas. The disaster at Grand Pre was the direct result.

In the aftermath of Grand Pre, Shirley’s advice to Newcastle for future policy became more focused on establishing a legitimate British government in Nova Scotia for the better exercise of authority over the Acadians. Bringing the inhabitants within the scope of British authority had been very difficult, he contended, because of their insistence on following the canon of the French-Canadian Catholic missionaries and treating it as law. For example, the missionaries had forbidden the Acadians from intermarrying with the English under pain of excommunication. This “had so general an effect as to prevent the settlement of any one English family within the province.” The tolerance of the Roman Catholic religion, and the presence of the missionaries, was obviously to blame. He pointed out that the Treaty of Utrecht did not obligate the crown to tolerate the practice of Catholicism, and recommended measures to “weaken the ties of consanguinity and religion between even the present generation of the French inhabitants of Nova Scotia and those of Canada.”²⁰⁶ The best way to accomplish this once a new British administration was established in Nova Scotia was for the King to make a promise to continue

²⁰⁵ Nova Scotia “A”, Original Correspondence, Shirley to Newcastle, 11 February, 1746, ff. 17-19.

²⁰⁶ Nova Scotia “A”, Original Correspondence, Shirley to Newcastle, 20 October, 1747, ff. 57-68.

the French inhabitant's right to the free exercise of their religion. Shirley had also been asked by the Privy Council to prepare a declaration to the now nervous Acadians to reassure them that the British crown did not intend to have them removed from the province. Providing a draft of the declaration for review, Shirley noted that he had omitted any mention of allowing the free exercise of the Catholic religion until the Privy Council could deliberate on the matter further. Any definitive decision on how to handle the thorny issue of religion in the province, however, would have to wait until the establishment of the new settlement at Halifax. Only then did Privy Council and the Board of Trade make it crystal clear what the status of Roman Catholicism within the law would be.

From the outset of the first British settlements in North America, the administrative machinery developed to oversee the colonies was inadequate. Periodic attempts by metropolitan authorities to centralize British control of the colonies were generally resisted by the colonial polities, which early in their histories began developing political administrations to manage their own affairs largely without assistance from the mother country. In turn the political bodies in Britain responsible for the colonies, such as the Board of Trade, gradually became corrupt and were staffed with incompetent members given their posts as rewards by patrons. Nova Scotia became a British possession in the early 18th century in the middle of this period of "salutary neglect." Annapolis Royal, despite being threatened by France from without, as well as by hostile populations of Aborigines and French inhabitants from within, was left to the administration of military officers after 1713 with little guidance or assistance from home. During King George's War from 1744 to 1748, and especially after the capture of Louisbourg in 1745, military and government officials in New England and Nova Scotia became more insistent that a more permanent British establishment was necessary. This was evidenced by the crude state of the British administration in both Louisbourg and Annapolis Royal, and the resulting poor conditions at both garrisons, as well as the marked lack of settlement.

This does not mean, however, that Henretta's thesis on 'salutary neglect' in the British administration of the colonies applied equally to the case of Nova Scotia up until about 1754, as he suggests. In fact it is increasingly clear that by 1746 Henretta's thesis no longer holds water for Nova Scotia. The strenuous lobbying for the better administration and governance of the province by Warren, a respected British naval officer, and Shirley, a respected civilian officer in Massachusetts, illustrates this challenge to 'salutary neglect.' Newcastle and others across the

ocean may have ignored their pleas for a civilizing government in the undeveloped colony, but they did win a strong advocate for civil government in the soon-to-be influential Bedford. After the Treaty of Aix-la-Chapelle and the return of Louisbourg to France the British administration back home, with Bedford's encouragement, finally developed a plan for Nova Scotia. Instead of rebuilding Annapolis Royal, the King and his Privy Council decided to build a new settlement in a better location, which would act as a counterweight to Louisbourg and a base from which other new settlements in the province could be constructed. Parliament and the Privy Council would also take the opportunity of having a blank slate in terms of civil government, to ensure that control of Nova Scotia could be much more effectively monitored and regulated than it was in its other colonies in North America.

CHAPTER 2

The New Era: The Foundation of British Civil Government in Nova Scotia, 1749-1752

Post war colonial policy in British North America

“The country is one continued wood, no clear spot to be seen or heard of. I have been ashore in several places. The underwood is only young trees so that with some difficulty one may make his way anywhere.”²⁰⁷ This was how Colonel Edward Cornwallis, newly commissioned Governor of Nova Scotia, described the future site of Halifax to the Board of Trade the day after he landed at Chebucto Harbor in June 1749 with 2500 British settlers.²⁰⁸ The new British settlement he christened was an expanse of untamed wilderness, with “not one yard of clear ground.”²⁰⁹ Cornwallis and the settlers he arrived with certainly had their work cut out for them in more ways than one. Carving a new society out of the heavily forested Chebucto would not merely involve cutting down trees, building homes or constructing a garrison; it also involved establishing the rule of law, a government administration, and the mechanisms by which the authorities in Britain could regulate their new possession.

In October 1748, the War of the Austrian Succession ended with the Peace of Aix-la-Chapelle. France and Britain had fought to a stalemate, with France having a considerable military advantage in the Netherlands, and Britain the advantage in America. Neither side was willing to accept losses in the theater of their respective disadvantage. The result was a peace settlement which brought a return to the pre-war status quo; Cape Breton was given back to the French, and the previous balance of power in Europe was restored with some modifications. Henry Pelham was still committed to foreign policy in Europe and preferred gaining a British garrison to defend the Netherlands over keeping Cape Breton.²¹⁰ The return of Louisbourg, however, was vastly unpopular among the British people. Henry Pelham lamented that “Our people are so mad upon it that it requires more spirit and conduct to get the better of, than I doubt

²⁰⁷ LAC, MG 11, CO 217, Nova Scotia “A”, Original Correspondence, Cornwallis to Board of Trade, 22 June, 1749, ff. 10-11.

²⁰⁸ S.E. Patterson. “1744-1763, Colonial Wars and Aboriginal Peoples,” in The Atlantic Region to Confederation: A History, p.127.

²⁰⁹ Nova Scotia “A”, Original Correspondence, Cornwallis to the Duke of Bedford, 23 July, 1749, f. 195.

²¹⁰ W. Coxe, Memoirs of the Administration of the Right Honourable Henry Pelham, Vol. 2, p.402.

our present government are masters of.”²¹¹ Having called an election in 1747 and won a secure majority, however, Pelham avoided the brunt of voter’s wrath, and was able to end the war quickly without serious political consequences.

Of course, as the terms of the peace would suggest, it had solved none of the problems which had started the war in the first place. Pressured by rising population and local interests, British settlers in North America began pushing beyond settled areas shortly after the war ended, especially northeastward into Maine, westward into the upper Ohio Valley, and southward beyond Georgia into the frontier of Spanish Florida. Newly chartered land companies in Virginia lobbied London to secure huge claims of territory in the Ohio.²¹² From 1749 onwards, French expeditions tried to establish their own claims to territory in the Ohio Valley and Nova Scotia to combat the penetration of Indian traders and land speculators from Virginia and Pennsylvania. Disputes also developed over French efforts to settle ‘neutral’ islands in the West Indies which Britain and France had agreed to leave unsettled. The British also accused the French of attempting to influence Indian politics after 1749 in order to gain advantages in trade.²¹³

All told, the movements of the French in North America were interpreted by both London and the American colonies as clear evidence that the French plan to strangle the American colonies had not changed. As early as 1750 Newcastle delivered strong protests to the court of France “against the late violent and hostile proceedings of their governors in America.”²¹⁴ Negotiations continued, however, in Paris and London to prevent or postpone another conflict.²¹⁵ The British Ministry was apprehensive about the possibility of a new conflict so soon after the previous debilitating and expensive war. Additionally, in the period after 1748 the British economy began to feel the strain of rapid increases in inflation, and a ballooning national debt. In this environment concern about the increased costs of maintaining the overseas empire took precedence over aggression.²¹⁶ Despite garnering criticism for doing so, Pelham tried to reduce

²¹¹ P. Langford, A Polite and Commercial People, p.209-210.

²¹² J. Shy, “The American Colonies in War and Revolution, 1748-1783,” in The Oxford History of the British Empire, Vol. II, p.303.

²¹³ P.J. Marshall, The Making and Unmaking of Empires, p.82-84. See also P. Mapp, The Elusive West and the Contest for Empire, 1713-1763.

²¹⁴ W. Pitt, Correspondence of William Pitt, Earl of Chatham, Vol. 1, Newcastle to Pitt, 15 July, 1750, pp. 39-40.

²¹⁵ J. Shy, “The American Colonies in War and Revolution, 1748-1783,” p.303. See also U. Dann, Hanover and Great Britain, 1740-1760: Diplomacy and Survival.

²¹⁶ P. Langford, A Polite and Commercial People, p.448-450.

the national debt by slashing the army and navy budget immediately after the war.²¹⁷ He also passed legislation regulating commerce which laid new duties on overseas trade.²¹⁸ But regardless of the efforts of British politicians to avoid a new war, it became increasingly obvious throughout the early 1750s that the peace of 1748 represented nothing more than a temporary truce.

Despite the return of Cape Breton to the French, there was renewed ministerial interest in the value of an increased British presence in Nova Scotia. Policy makers in London decided that the Acadian population should be counterbalanced with English and European Protestants, and a fortified town should be erected at Chebucto Harbour as a counterweight to Louisbourg and for the protection of New England trade.²¹⁹ Julian Gwyn has postulated that the defense of New England was, in fact, the primary purpose of a new settlement; not in attempting to check French ambitions in the province, and that there was no belief in Britain at the time that the British navy was capable of ousting the French from Cape Breton again.²²⁰ Furthermore, the British view of the importance of the West Indies had not changed. They were still the jewel of the empire, producing great wealth and attracting significant amounts of British mercantile and maritime capital.²²¹ Leaving the French with unquestioned control over Nova Scotia and naval mastery of the West Indies trade route was unacceptable.

The British Ministry had already created one new colony solely for strategic purposes in North America in 1732. A group of enthusiasts for colonization, including Thomas Coram who had lobbied parliament with proposals to settle Nova Scotia in the late 1720s,²²² established Georgia with the purpose of creating a territorial and human buttress to protect the Carolinas from the still expanding Spanish Empire in Florida. The strategic importance of the colony led James Oglethorpe,²²³ the principal promoter, to devise a scheme for land allocation which operated on quasi-feudal principles, offering settlers property in return for military service and restricting the rules of inheritance so as to ensure a continuing capacity for self-defense. Unlike

²¹⁷ F. O’Gorman, *The Long Eighteenth Century*, p.91.

²¹⁸ B. Harris, *Politics and the Nation*, p.276

²¹⁹ S.E. Patterson, “1744-1763, Colonial Wars and Aboriginal Peoples,” p.127.

²²⁰ J. Gwyn, *Frigates and Foremasts*, p.23-25.

²²¹ J.P. Greene, *Atlantic History: A Critical Appraisal*, p.124.

²²² B. Moody, “Making a British Nova Scotia,” in *The Conquest of Acadia, 1710: Imperial, Colonial and Aboriginal Reconstructions*, p.141.

²²³ James Oglethorpe was a Whig MP with ties to the Pelham administration. R.R. Sedgwick, ed., *The House of Commons, 1715-1754*, Vol.2, pp.305-306.

previous colonial ventures in North America, parliament was asked to foot part of the bill by means of annual grants towards the expense of settlement and its defense. The Ministry and Parliament exhibited a great deal of hostility towards the Georgia Trustees and their land grant scheme, and offered only grudging parliamentary assistance. The Crown eventually assumed full responsibility for the colony in 1752.²²⁴

During the 1750s, a growing popular literature among notable British writers and political commentators began urging the crown, with or without parliament's assistance, to tighten the administration of the American colonies. Writers such as Malachy Postlethwayt declared that the colonies had often defied the authority of the crown, and suggested that uniting the colonies under one government would enhance metropolitan control.²²⁵ The answer to writers such as Postlethwayt was a re-energized Board of Trade under new leadership. The Pelham-Newcastle ministry, dogged by criticism for its conduct of the war and the peace negotiations, tried to bolster its parliamentary support by appointing the Duke of Bedford the new Secretary of State for the Southern Department in February 1748. Bedford soon had his ambitious friend George Dunk, Earl of Halifax, appointed as President of the Board of Trade.²²⁶ Determined to reverse the traditional commercial/mercantilist policy of the Walpole era, Halifax embarked on an intensive campaign to enforce the traditional ideals of British colonial policy that developed during the half century following the Restoration, and to reduce the authority and influence of the colonial assemblies. Although a lack of cooperation by the Ministry and opposition from the colonial assemblies in North America thwarted most of his efforts, the Board under Halifax's direction from 1749 to 1761 did experience some success.²²⁷

Halifax's Board of Trade won control of most major colonial appointments during the decade after 1751. Halifax also favoured strong measures against France and Spain in America, gaining immediate support from Bedford, the Duke of Cumberland, and from numerous other politicians and bureaucrats.²²⁸ Officials in London concerned with the colonies believed by this time that there was too much negotiation with them, and too little obedience. The Board of Trade, along with the Board of Customs, collected evidence indicating that imperial commercial

²²⁴ P. Langford, *A Polite and Commercial People*, p. 172-173. Georgia would become an unchartered royal colony after 1752, in much the same fashion as Nova Scotia.

²²⁵ E. Gould, *The Persistence of Empire*, p.67-68.

²²⁶ I.K. Steele, "The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689-1784," in *The Oxford History of the British Empire*, Vol. II, p.119.

²²⁷ J.P. Greene, *Negotiated Authorities: Essays in Colonial Political and Constitutional History*, p.118.

²²⁸ I.K. Steele, "Governance of the British Empire, 1689-1784," p.120.

regulations were being widely evaded.²²⁹ His initiatives for shielding the colonies from France and Spain included turning Nova Scotia into a full-fledged British colony, and establishing royal government in Georgia. The Board of Trade also prepared a series of reports recommending the colonial charters be rewritten to better regulate them by strengthening the royal prerogative. In the midst of war, such initiatives were impossible, and these recommendations went virtually ignored by the administration until after the Seven Years War. Newcastle, Pelham and their controlling faction within the ministry still favoured leniency with the colonies and the delegation of power and responsibility to the colonial assemblies.²³⁰

In light of these difficulties, Halifax pushed hard to have himself appointed a separate secretary of state with broad jurisdiction and full responsibility for the colonies. Although he failed in this measure, he did succeed in securing enlarged powers for the Board in April 1752. The Board improved communications with the colonies by establishing a new packet boat system, and urged each of the royal governors to secure a comprehensive revision of their colony's laws, send home copies of all public papers promptly, and commanded that the governors adhere strictly to their instructions. Although the Board could intimidate the governors to observe their instructions, it only reduced governor's room for political maneuver with the obstinate assemblies who did not appreciate the Board's attempts to amend – or attack as the assemblies perceived - their colonial constitutions. The administrative apparatus to enforce the new centralization policies, particularly the courts, were controlled by the colonists.²³¹ By 1761 the Board's objectives could only be considered successful in New Hampshire, and in the new civil governments of Nova Scotia and Georgia.²³²

This increase in involvement with the colonies by the Board of Trade paralleled a similar increase in interest in North America and overseas trade in general by British Parliament. The investment in the American war in the 1740s prompted more scrutiny and cooperation by Parliament with Board of Trade initiatives. Between 1740 and 1753 Parliament passed a total of 43 Acts affecting colonial trade. Parliament also began making a greater fiscal commitment in the colonies. It chartered the new wave of land companies led by the Ohio Company of Virginia,

²²⁹ P.J. Marshall, The Making and Unmaking of Empires, p.76.

²³⁰ I.K. Steele, "The British Parliament and the Atlantic Colonies to 1760: New Approaches to Enduring Questions," in Parliamentary History, p.44.

²³¹ E. Mancke, "Negotiating an Empire: Britain and its Overseas Peripheries, c.1550-1780," in Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820, p.256.

²³² J.P. Greene, Negotiated Authorities, p.72-74.

and founded the unchartered colony of Nova Scotia. Parliament's annual estimates by the mid-1750s included a salary for the governor of North Carolina, in addition to the annual administrative grant for Nova Scotia, Georgia, and the West African forts.²³³

If the peace of 1748 was only a temporary truce, it was a very short one in Nova Scotia. Renewed conflict between the British and French in the frontier colony was made almost certain by the terms of the peace. The French-British border in the province was set back to the terms laid out in the Peace of Utrecht of 1713, which had produced profound disagreement over the legitimacy of territorial claims by either party. The British believed they had won all of the territory of present day Nova Scotia, New Brunswick, and areas of Maine previously claimed by the French. The borders between Acadia and Quebec in the north, and Maine in the West, however, remained vague. With only an insignificant British presence in the north of the province, the French continued to pass through parts of old Acadia unchallenged. Moreover, the French perceived the British establishment of Halifax as an aggressive move which threatened French dominance of the Gulf of St. Lawrence, and fuelled fears that the British could use the St. John Valley corridor to launch an attack on Quebec. They, therefore, officially challenged the boundaries established by the Treaty of Utrecht in 1713 and began insisting that they had only surrendered the peninsular part of Nova Scotia. They asserted this claim physically by constructing Fort Beausejoir on the Isthmus of Chignecto in 1750, hoping to resettle the Acadians behind the Missaguash River under the fort's protection and beyond the reach of the British, who would be deprived of the benefit of Acadian agricultural produce.²³⁴

For their part, the British authorities in the province were determined to exact the allegiance of the Aborigines and Acadians to the crown. John Gorham's New England Rangers, feared and hated by the Acadians, were given free rein to do so by Mascarene and later Cornwallis without interference from London.²³⁵ The British firmly believed that despite the Peace of Aix-la-Chapelle, the French intended to continue warfare against them through their native allies. The French priests, supported and shielded by the Acadians, would form the leadership of this fifth column.²³⁶ Therefore it was of crucial importance that the British authorities impress on the province's inhabitants that British authority was the future for Nova Scotia. Father Jean-Louis le

²³³ I.K. Steele, "The British Parliament and the Atlantic Colonies to 1760," p.44.

²³⁴ S.E. Patterson, "1744-1763, Colonial Wars and Aboriginal Peoples," p.131.

²³⁵ J. Grenier, The Far Reaches of Empire, p.139.

²³⁶ S.E. Patterson, p.129.

Loutre, leader of the French Catholic missionaries in Nova Scotia, was equally as determined to expel the British from the province altogether. Under these conditions, guerilla warfare between the British and French allied Aborigines broke out by late 1749, and would last until the outbreak of the Seven Years War in 1756.²³⁷ In fact, the nearly uninterrupted hostilities in Nova Scotia, as well as British-French hostilities in India after 1748, have been cited as contributing factors to the outbreak of the Seven Years War.²³⁸ Even the normally pacific Duke of Newcastle described the incursions of the French in Nova Scotia as an affair on which the future peace and security of Britain and Europe depended as early as 1750. Newcastle along with other ministerial colleagues such as William Pitt, were prepared to risk war to defend Nova Scotia and wider strategic interests in North America.²³⁹ These factors made it vitally important for the Board of Trade and Parliament to ensure that London would have firm control over the British administration and population of Nova Scotia. They had to ensure that they would not lose their territorial claims in the province to the French, or the financial investment parliament committed to establishing Halifax.

When Cornwallis landed at Chebucto in June 1749, he did not just bring settlers, food and supplies with him. He also brought two documents which would constitute the foundation of Nova Scotia's civil government: The gubernatorial instructions, and his commission. As will be demonstrated, these two documents were composed in such a manner as to establish a government which the Board of Trade hoped would effectively eliminate the administrative problems which had been identified in the other American colonies. Jack Greene has documented a process of "negotiation" between the American colonial governments and the metropolitan authorities. The settlers who established new societies in the Americas with little help from the British government had come to expect that they had earned autonomy in administering their internal affairs. British officials, in turn, were forced to negotiate with colonial governments for their cooperation in keeping the empire intact and overseas trade running smoothly.²⁴⁰ In Nova Scotia, the Board of Trade would attempt to eliminate the negotiation aspect of colonial governance by using the governor's instructions and commission

²³⁷ J. Grenier, *The Far Reaches of Empire* p.149.

²³⁸ F. O'Gorman, *The Long Eighteenth Century*, p.182.

²³⁹ B. Harris, *Politics and the Nation*, p. 121.

²⁴⁰ J.P. Greene, "Peripheries, Centers, and the Construction of Early Modern American Empires," in *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, p.5.

as a replacement for a charter. The administrative mechanisms established by these documents would be harnessed by the Board to dictate to the Nova Scotia government the principles and procedures it would use to govern the province.

The gubernatorial instructions and the governor's commission exhibited unique characteristics which would set them apart from a charter, and would prove effective in the Board of Trade's effort to maintain administrative control over Nova Scotia. Unlike a standard charter, the instructions tried to anticipate, and were tailored to, the local circumstances of the province. At the same time, many of the instructions were vague, non-specific, or gave no direction in terms of the procedures to be used to carry them out. These characteristics would have two consequences: They greatly hampered the impulse for the local authorities to experiment with different models of institutions based on local needs and circumstances; and they gave the Board of Trade the final word on procedures for implementing the instructions. The governor and Executive Council were granted the authority to interpret the instructions as they saw fit, and held sweeping powers over the economic, political and legislative administration of the colony. Yet, at the same time, both governor and Council answered directly to the Board of Trade, which reserved the right to re-interpret the instructions for the government at any future occasion if the Nova Scotia administration did not meet expectations, or British policy changed. Royal instructions used as a basis for government in this way would serve as a straight jacket on executive, legislative and judicial power. The instructions and commission did not comprise anything that could be interpreted as a charter; they did not confer the same powers over local governance; nor did they allow for the development of a colonial constitution based on tradition. Authorities in London were determined to create a British Nova Scotia that was something akin to a "mini-Britannia," insofar as it was possible.

Historians have developed several explanations as to why the thirteen North American colonies which rebelled in 1776 were able to resist metropolitan attempts to centralize control over their internal affairs. Charles H. McIlwain, one of the pioneers of this debate, made the distinction that during the early years of settlement, Parliament did not exercise legislative authority over the Dominions beyond the realm of England; they were originally dominions of the King and not Parliament. Based on this argument the colonies would later resist attempts by Parliament to control them using legislation. In addition, patriot colonists could argue that the rights they had been granted by their royal charters closely paralleled the subsidiary rights of

English companies and towns. Furthermore, the natural law of the colonies, that is law that established legitimacy through usage over time, took priority over parliamentary statutes. These arguments were later disputed, however, by others who claimed that English Parliament had initially been a royal council not confined to the English realm in terms of new legislation or taxation.²⁴¹ John Phillip Reid argued that the very act of migration constituted a contract binding the King to respect the English rights of those who took risks for his empire. For Reid, the English common law provided the arguments fundamental to the American Revolution. Using Massachusetts as an example, he demonstrates that imperial and local legal cultures both required consent to be effective, and that imperial law was ineffective when competing with the much more consensual local law in Massachusetts. Jack Greene accepts that an implicit, if unwritten, imperial constitution existed based upon fundamental law and usage. Unlike previous theorists, he dismisses the colonial charters as local legal entities rather than imperial ones. For Greene, the imperial constitution is sensitive to change, and more dependent on colonial acceptance than on imperial legislative assertions. He concedes that the metropolitan government had more economic than political control, but sees those spheres as constitutionally separate. Colonists resisted centralization by demanding the rights of English subjects and by gaining these at the local level without formal recognition from London.²⁴² These interpretations are among the most popular, though by no means are they the only, explanations as to why American colonists did successfully resist London's intervention in their administration.

Moreover, Greene has identified three distinct types of constitutions which developed in the British Empire during the three quarters of a century after the Glorious Revolution. First, there was the British constitution for the central state and its immediate dependencies within Great Britain. Second, there were separate provincial constitutions for Ireland and for each of the colonies in North America. Third, there was a nebulous imperial constitution, the constitution of the British Empire, according to the practice of which authority was distributed in an as yet uncodified and not clearly understood way, with parliament exercising power over general concerns and the local legislature handling local affairs within their respective jurisdictions.²⁴³ As Steele has observed, however, distinct colonial rights were clear only when written, yet

²⁴¹ I.K. Steele, "British Parliament and the Atlantic Colonies to 1760," p.30.

²⁴² *Ibid*, p.32.

²⁴³ J.P. Greene, Peripheries and Center, p.67-68.

remained tentative in an empire without a written constitution.²⁴⁴ If Parliament was able to legislate for the colonies on economic matters affecting the empire, the royal prerogative did not enjoy similar success in controlling the affairs of colonial legislatures. As pointed out earlier, charter government meant that colonies gained control over their own finances as they developed, and would equate this to having the same rights as Englishmen at home to taxation only by representation.²⁴⁵ In addition to this, local revenues provided by the assemblies sustained the royal governor, which was a problem in itself. As a result royal governors were limited in their ability to influence colonial politics, and only those who cooperated closely with the local colonial legislatures were very successful.²⁴⁶

Despite these dynamics, Metropolitan authorities fundamentally always viewed colonial governments as being subordinate government agencies with only temporary and limited law making powers. Despite the fact that the lower houses of the colonies were making important changes to their constitutions on a yearly basis, the crown altered neither the commissions nor the instructions to conform to the realities of the colonial situation.²⁴⁷ By the late 1740s it was becoming apparent that among the individual colonies in North America their long standing constitutional traditions, at least from their point of view, supplied legitimacy to their effort to resist parliamentary authority. From this point on, the establishment of any new colonies would be considered an opportunity to work with a clean slate and establish new traditions of deference to metropolitan authority.²⁴⁸ The leading constitutional issue, and the one that led to the most tension between the colonies before 1763, was whether or not royal and proprietary instructions were binding on the colonies. Colonial legislatures viewed instructions and gubernatorial commissions as being divorced from the realities of governing a colony in the Americas, and refused to submit to them if they were not working in their best interests.²⁴⁹ The Ministry made attempts in 1744 and 1749 to enlist Parliament's help to pass legislation which would have given gubernatorial instructions the force of law in the American colonies. Predictably unresponsive to the King's request to increase his prerogative at the expense of the Parliament, this legislation

²⁴⁴ I.K. Steele, "British Parliament and the Atlantic Colonies to 1760," p.33.

²⁴⁵ J.P. Greene, Negotiated Authorities, p.33-35.

²⁴⁶ *Ibid*, p.139.

²⁴⁷ *Ibid*, p.173-174.

²⁴⁸ J.P. Greene, "Competing Authorities: The Debate over Parliamentary Imperial Jurisdiction, 1763-1776," Parliamentary History, 1995, Vol.14, p.51.

²⁴⁹ J.P. Greene, Negotiated Authorities, p.174.

was thrown out by the House of Commons on both occasions.²⁵⁰ In the future Privy Council would look to circumvent the problem of colonial constitutions and the issue of the legality of gubernatorial instructions altogether. This opportunity first presented itself with the establishment of the new settlement at Chebucto. As a colony established and maintained by parliamentary funds, the colonists and the local government could not claim autonomy from British authority based on control of local finances.²⁵¹ Furthermore, the Privy Council and the Board of Trade would ensure that Nova Scotia could not develop its own constitution by refusing to grant the colony a charter, and instead making the gubernatorial instructions and the governor's commission the basis of the colony's government.

The metropolitan authorities also ran into similar problems with colonial legal systems. There were no normative colonial court systems or colonial bodies of law in the British Empire. In any given region of the Empire, there were an infinite number of possible combinations of received and locally legislated bodies of laws, as well as myriad variations of the court systems. There was an ideological belief amongst British subjects throughout the Empire that they shared a common legal culture that could accommodate these variations. Two basic legal principles acted as common reference points for the development of colonial legal systems. First, like in England, British colonial subjects were theoretically imbued with a set of legal rights, including trial by jury, habeas corpus, and parliamentary representation. Secondly, the laws written in the colonies were not to be repugnant to the laws of England.²⁵²

Despite these similarities with the English legal system, however, the colonies were able to achieve some legislative and judicial autonomy, and received so much or so little of the law of England as was appropriate to its individual domestic circumstances. Laws were developed and were affirmed by the court system of that colony based on the needs of the colony, and such a legal culture as emerged achieved legitimacy through usage over time. This was the case in New England, which by the mid-eighteenth century, had a legal system that was the most divergent from the legal system of England among the American colonies.²⁵³ The affirmation of a colony's legal system by the courts reinforced the legitimacy of the colonial legislatures as well. The basis of custom, both English and local, allowed colonial political leaders to justify the existence of

²⁵⁰ J.P. Greene, *Peripheries and Center*, p.73.

²⁵¹ J.P. Greene, *Peripheries and Center*, p.67.

²⁵² E. Mancke, "Colonial and Imperial Contexts," p.31-33.

²⁵³ T.G. Barnes, "As Near as May be Agreeable to the Laws of this Kingdom: Legal Birthright and Legal Baggage at Chebucto, 1749," in *Law in a Colonial Society: The Nova Scotia Experience*, p.14.

the assemblies and their claims to full legislative powers and to rights peculiar to their specific polities. Although colonists insisted that ‘the constitutions of the British colonies’ had to be ‘modelled... in as near a conformity as possible to (that of) the mother country,’ they had no qualms in defending their assembly’s claims to peculiar rights and privileges that deviated from metropolitan norms on the basis of perpetual usage, established custom, or length of practice. These rights and privileges established in this manner, became codified in law, and hence an essential component of a colony’s constitution.²⁵⁴

British metropolitan authorities, however, believed they had a central role to play in the development of colonial justice systems. While colonists were to be proactive in designing and compiling bodies of law specific to their circumstances, metropolitan officials reserved a reactive role for themselves. They seldom presumed to hand down laws appropriate to discrete colonial circumstances; but they did set legal guidelines in gubernatorial commissions and instructions. The Privy Council also reserved the right to review and disallow colonial legislation if it violated English legal sensibilities, and served as a court of appeals if the decision of a colony’s highest court was challenged. In theory this dialectical process was akin to a system where legal systems were negotiated between the metropolis and the colonies on a jurisdiction by jurisdiction basis.²⁵⁵

Metropolitan officials did make attempts to reformulate the justice systems of the colonies to conform more closely to those of England. In the late 17th century, the court system of Virginia was rather confusing for English attorneys who went there to practice. There was a lack of adherence to the common law in the courts; several different types of courts, such as the Admiralty, King’s Bench, Common Pleas, and Chancery, had been merged into one court, and often the proceedings were very irregular. This state of the courts was blamed on the lack of legal education amongst judges and attorneys in Virginia. In New England the courts also deviated from common law systems. Of primary concern for British authorities were the incorporated towns which had assumed the authority to hold, grant and divide land. During the Dominion of New England, Governor Andros aggressively attacked deviations from the common law, and declared that New England towns were not legal corporations and therefore did not have the right to grant lands. Other procedural non-conformities with common law courts were gradually corrected, such as introducing English property qualifications for jury service, and the

²⁵⁴ J.P. Greene, *Peripheries and Center*, p.40.

²⁵⁵ E. Mancke, “Colonial and Imperial Contexts,” p.31-32.

removal of equity powers from the county courts. Although Andros was overthrown and a new charter was granted to New England in 1691, the charter required strict conformity with the common law. By the early 18th century, records of individual justices of the peace in the colony show their performance was tightly controlled in accordance with English common law practice.²⁵⁶

The Board of Trade played a role in the reformation of the colonial legal systems to adhere to common law. In a limited fashion until 1748, the Board of Trade began reviewing colonial legislation for the purpose of making recommendations to Privy Council on laws that should be disallowed based on lack of adherence to common law standards. In terms of colonial court structure, the Board of Trade's policy was to separate chancery, probate, and admiralty matters through the governor's prerogative to establish courts. The highest percentage of disallowed colonial legislation and the longest battles over courts occurred in Pennsylvania, where the non-common law sources of legal imagination were strongest. This was due to Pennsylvania's large German population which brought with it a strong Roman law tradition.²⁵⁷ Furthermore, more legal practitioners in the Americas were going to England to be educated and then returning home, resulting in the widespread dissemination of common law principles in the colonial courts. William Offut observes that this process of legal reform seems to have begun at about the same time in all of the North American colonies, from about the mid-1680s to mid-1690s, and was complete by about 1710. By the 1720s the colonial legal imagination of the court system became confined entirely to common law principles. The debate would continue, however, on whether or not the common law of the realm of Great Britain could be applied to the colonies in the form of parliamentary legislation, until the outbreak of the American Revolution.²⁵⁸

A 'model government,' the Nova Scotia experiment

By early 1749, plans were in place to establish the new settlement at Chebucto Harbour. The Duke of Bedford had not lost interest in Nova Scotia. Even as the Peace of Aix-la-Chapelle

²⁵⁶ W. Offut, "The Atlantic Rules: The Legalistic Turn in Colonial British America," in The Creation of the British Atlantic World, p.171-172.

²⁵⁷ *Ibid.*, p.173-174; and S. Sarson, British America, 1500-1800: Creating Colonies, Imagining an Empire, pp.157-162.

²⁵⁸ J.P. Greene, Peripheries and Center, p.26-35. For a complete discussion on the history of British Parliament's assertion of the right to legislate for the colonies, see the chapter in this work entitled "In Quest of Periphery Rights," pp.19-42.

was being concluded, Bedford was in discussions with the Duke of Cumberland for recruiting British subjects, particularly decommissioned soldiers, interested in settling newly opened lands in Nova Scotia.²⁵⁹ William Shirley's opinions on how civil government should be established in the province were solicited by Privy Council. Shirley wrote to Bedford twice in February and March 1749 and offered several recommendations on the procedure which could be used to establish civil government in the province. Naturally Shirley proposed that Nova Scotia be granted a royal charter in the same form as the one that was granted to Massachusetts in 1691 by King William, "with the same powers, privileges and franchises except in the particulars which are propos'd to be alter'd..." Among the alterations Shirley suggested were changes to land grant policies. In the case of any grantees who fail "to exercise any jurisdiction for the government of it, and to defend it against the French," those lands would be considered vacated and forfeited to the Nova Scotia government. In terms of the structure of government, Shirley suggested the governor should be given executive authority "to suspend the Lieutenant Governor and any of the Councillors... at any time," and "also to remove any judges, justices of the peace, sheriffs or other officers, which are nominated and appointed by him" with or without the advice of Council. To ensure the Executive Council was balanced, but not exceeded by the legislative assembly, Shirley suggested the number of elected representatives be limited in the charter. Any town in the province must have at least 40 families settled within it to be eligible to elect representatives to the assembly. Any town with less than 40 families would be forced to elect a county representative instead. Exceeding the proportion between the council and the assembly should only be done with the King's permission. On religious matters, Shirley wrote that "the liberty of conscience in religious worship should be extended to the papists among the present French inhabitants," for a limited time, after which "all papists to have the same disqualifications and Incapacities as they have in England." This clause was perhaps meant to give the French inhabitants a grace period during which time they could be converted to Protestantism by missionary efforts, or else leave the colony in an orderly manner. Addressing a problem that had plagued the provincial government in Massachusetts, Shirley proposed that the king should be allowed "to incorporate any town in such manner as he pleases, any law of the province for granting the several towns any privileges or liberties notwithstanding." By requiring royal

²⁵⁹ J.R. Bedford, Correspondence of John, Fourth Duke of Bedford, Vol. 2, Cumberland to Bedford, 15 October, 1748, p. 563-564.

approval for town incorporation, rather than provincial approval as had been the practice in Massachusetts, they could be deprived of the right to formal town governments. In Shirley's plan the King should also reserve the right to appoint the chief justice and attorney general of the province, noting that "no special reason need be assigned, the chief justice and attorney general being principle officers of the executive part of government."

Dealing with the issue of the province's natural resources, Shirley advised that all land grants, which should be approved by Governor and Council only, contain a clause that all trees twenty four inches in diameter or larger be reserved for the use of the Royal Navy. Shirley noted that a clause such as this one "seems an omission in the Massachusetts charter." In perhaps his most interesting proposal Shirley noted that "there are at present no inhabitants within this province capable of receiving the above mention'd form of government, or having justice administered among 'em by the courts of judicature according to the English constitution." As a result, a proviso should be added within the charter that "until the French inhabitants are acquainted in some degree with the English language, customs (and) government (and) are qualified for serving upon juries or in the assembly," and a sufficient number of British settlers had arrived to help carry on civil government: That the governor and Council should be invested with unilateral powers to make "statutes and ordinances adapted to the circumstances of the province" during the early years of the settlement when the process of organizing the new society was occurring. In Shirley's plan the Governor and Council would also serve as the colony's court of law during this period.²⁶⁰

Shirley had further suggestions on matters of administration for the new province. A commission should be appointed by the new government to examine the land claims of the French inhabitants, which covered most of the valuable marsh lands which British settlers would need for agriculture. Shirley argued that by the terms of the Treaty of Utrecht, the Acadians had forfeited the right to make any land claims on British territory in the province after their capitulation to the British. This would make any claim to lands they had settled on after the Treaty of Utrecht legally null and void. French inhabitants living upon such land should be removed, or if the British authorities were disposed to compromise, they could be allowed to keep their lands in return for knight's service, which would have the beneficial effect of promoting their integration and intermarriage with British settlers and converting them to the

²⁶⁰ Nova Scotia "A", Original Correspondence, Shirley to Bedford, 27 February, 1749, ff.177-192.

Protestant religion. If the terms of the Treaty of Utrecht did not allow this, then French Inhabitants should only be allowed to marry by obtaining a license from the British authorities, rather than obtaining licenses from their Catholic priests. Finally, Shirley suggested that New England families should settle Nova Scotia lands as they were better suited to the labour required to clear it and create new settlements. Comparing the cost of transporting and supplying for one year 2000 European families to the same number of New England families, he estimated that settling European families would cost £78,900, while the New England families would only cost £48,900.²⁶¹

Shirley's suggestions, which were designed primarily to strengthen the powers of the governor and Executive Council, were definitely taken into account when the gubernatorial instructions for Nova Scotia were written. Important modifications to his suggestions were made as well. It is evident from the existing correspondence that the instructions and commission were written with the input of Lord Halifax and his Board of Trade associates, as well as the King and his Privy Council, and Secretary of State Bedford himself.²⁶² No constitution was drafted for Nova Scotia, instead the gubernatorial instructions and commission were drafted as standalone documents which provided the sole basis of government, and were designed to greatly restrict the rights and privileges of settlers, the inhabitants of the province, and the ability of the provincial and local governments to act autonomously and adapt to local circumstances. From a financial and economic, political, and legal standpoint, the instructions and commission sought to give the Board of Trade and Privy Council wider powers of control over the new colonial government.

For more than a decade after 1749, the revenue of Nova Scotia would depend almost entirely on funding from British Parliament in the form of annual grants. Naturally, the Board of Trade would expect, and later demand, strict control over the colony's finances. By extension, it also wanted a large measure of direction over the economic activities of the province. These financial and economic arrangements were built into the instructions and commission. The instructions included clauses binding the government of Nova Scotia to observe the Navigation Acts, and making illegal any form of trade with the French. These stipulations, however, had

²⁶¹ Nova Scotia "A", Original Correspondence, Shirley to Bedford, 3 Mar, 1749, ff.193-204.

²⁶² Nova Scotia "A", Original Correspondence, Thomas Hill to Bedford, 28 April, 1749, ff.421-422 & Board of Trade to Bedford, 29 April, 1749, ff.423-426.

been commonplace inclusions in royal charters and instructions for quite some time by 1749.²⁶³ The control of the potential commodities of the province figured heavily into the content of the instructions. Five separate clauses in the instructions dealt exclusively with mast trees and hemp for the use of the Royal Navy, indicating the importance of naval stores in the Americas to the British authorities. The instructions explicitly informed the governor that a Surveyor General had been appointed for the province along with a group of his deputies,²⁶⁴ and that “It is our will and measure” that the governor and any civil and military officers in the colony provide any assistance the Surveyor required. The instructions also ordered that an exact account be sent to the Board of Trade on the swamplands in the province, and whether or not they could be made fit to raise mast trees or hemp.²⁶⁵ Britain had traditionally obtained most of its ship building materials from Norway, Russia and the Baltic countries, having very few wood stands of its own to supply much needed planks and masts. Although British authorities were slow to look for alternative sources, there was a growing recognition that dependence on the Baltic for wood was not sustainable since supplies could easily be cut off by diplomatic squabbles or war. By the mid-eighteenth century, British ministries and Parliament distinguished that future national security could depend on properly managing the vast potential for producing naval stores and wood products in the North American colonies. By 1705 Parliament had adopted more or less successful subsidies for imports from the colonies of tar, pitch, turpentine, masts, yards, and bowsprits as well as a less successful subsidy for hemp.²⁶⁶ By the late 1750s, critical shortages of both food and timber in Britain would lead to more extensive parliamentary legislation to encourage the importation of both commodities from North America.²⁶⁷ As a result of these pressures, Nova Scotia’s potential for producing naval stores was closely recognized in the instructions.

Only one clause was dedicated to the province’s fishery. It specified that in order to encourage the development of the fishery, as well as traditional agriculture, recently discharged

²⁶³ J.P. Greene, *Peripheries and Center*, pp. 13-15.

²⁶⁴ Charles Morris was commissioned by William Shirley as Nova Scotia’s Surveyor General in August 1748. J. Lennox, “An Empire on Paper: The Founding of Halifax and Conceptions of Imperial Space,” in *Canadian Historical Review*, p. 381.

²⁶⁵ LAC, MG 11, CO 218, Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., Our Captain General and Governor in Chief in and over our Province of Nova Scotia or Accadie in America, 29 April, 1749, ff. 10, 31-32, 35-36, 51-53.

²⁶⁶ J.M. Price, “The Imperial Economy, 1700-1776,” in *The Oxford History of the British Empire*, Vol. II, p.79.

²⁶⁷ B. Harris, *Politics and the Nation*, p.270-271.

officers and men of the British army and navy would be offered grants of land, as well as provisions for twelve months after their arrival, arms and ammunition, and any implements necessary for carrying on fishing and agriculture.²⁶⁸ The instructions also ordered the governor to have a survey laid out of two townships of 100,000 acres each at, or near, Chebucto Harbour, as well as townships at Minas and Bay Verte, or Chignecto, Whitehead and La Have. The Surveyor was “to take particular care in laying out the said townships that they do include the best and most profitable land...”²⁶⁹ Fisheries and agriculture were both important issues in the 18th century not just for the British Empire but within Britain itself. The Council of the Free British Fishery Society established in 1747 and existing until the 1760s, lobbied parliament to pass laws promoting the Scottish Herring fishery, and to promote British discovery and control of new fisheries overseas, especially in the West Indies. The Society also used bounty payments funded by the Customs Office to provide financial incentives to encourage merchants and others to engage in the herring fishery. Other groups lobbied for the creation of a fish market in Westminster and legislation to restrict the price fixing of fish.²⁷⁰ The importance of fish both as a food product in Great Britain and an export commodity to continental Europe is certainly evidenced by the emphasis on its importance for the British Nova Scotian economy in the correspondence, as well as the instruction’s orders to encourage its development.

Agriculture was also to be an important part of Nova Scotia’s economy under the British. The benefits to the British administration both at home and in Nova Scotia of developing British agriculture are obvious. What may not be so obvious is the use of agriculture as a weapon of empire. John Reid has postulated that European-style agriculture had long been the engine of environmental change in the areas of colonial settlement, and by the mid-eighteenth century it had combined with commerce to support large, dense, and partly urbanized non-aboriginal populations in some parts of northeastern North America. The unquenchable demand for new arable land posed by European agriculture was a potentially lethal threat to aboriginal hunting and gathering economies. Besides the British view that agricultural development was a beneficial use of the soil, imperial strategists were aware that it also represented an efficient means of undermining aboriginal societies where they had become obstacles to strategic or economic

²⁶⁸ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 4-5.

²⁶⁹ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 7-9.

²⁷⁰ B. Harris, Politics and the Nation, p 15 & 266-267.

ambitions. Thus, the deliberate unleashing of an agriculturally based population on aboriginal territory can be viewed as an act of aggression, in which environmental destruction became a tool of empire.²⁷¹ The implications of this approach are evident in Nova Scotia where French Acadians occupied the best arable land, and Aboriginals hindered British settlement. British authorities had every intention of using agricultural land as a weapon of British dominance in the province.

The instructions also ordered in a vague manner that the government was to provide “all due encouragement and invitation to merchants and others who shall bring trade unto our said province or any way contribute to the Advantage thereof.”²⁷² It was likely unintentional, but mercantile encouragement at Halifax was more beneficial to New England than it was for Great Britain. Julian Gwyn has demonstrated that between 1749 and the end of 1753, some 62 percent of vessels and 59 percent of all tonnage entering Halifax came directly from New England. Statistics also indicate that during this period Britain was only supplying about half of Nova Scotia’s imports, making it certain that New England supplied the other half. Mercantile activity in the early years of Halifax was important to the local economy but necessarily limited in scope since it depended on a military presence in the province and parliamentary funding. Malachy Salter, a general merchant, and Joseph Gerrish, a naval storekeeper, early on became local elites by becoming involved in mercantile activity, land speculation, and office holding.²⁷³ Mercantile activity remained limited before 1758, however, as New England merchants and settlers were not enamored with the province’s lack of an assembly and the military nature of its government.²⁷⁴

Predictably, the instructions laid out ground rules for the internal administration of the province’s revenues in what could best be described for the early settlers of Nova Scotia as an assistance economy. As far as the distribution of the government rations was concerned, this activity was to be strictly monitored. The governor was to take on direct responsibility for

²⁷¹ J.G. Reid, “*Pax Britannica or Pax Indigena?*: Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification,” in *Essays on Northeastern North America, Seventeenth and Eighteenth Centuries*, p.175-176. For more information on the use of environmental change as an instrument of empire, see A. Crosby, *Ecological Imperialism: The Biological Expansion of Europe, 900-1900*; J.C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900*; and P. Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640*, pp.16-40.

²⁷² Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., f. 112.

²⁷³ J. Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*, p.18-19.

²⁷⁴ E. Mancke, *The Fault Lines of Empire*, p.10.

ensuring the proper amount of rations were distributed to the settlers each month, and was also empowered to order extra provisions or livestock from the contractor or his agent if necessary, as long as proper accounts of such distribution were provided to the Secretary of State or the Board. Exact accounts of all provisions kept in the storehouse at Halifax were to be made up in case the Board of Trade requested them.²⁷⁵ The governor was further empowered to fix the prices of commodities in order to prevent fraudulent activity to the disadvantage of the settlers. The instructions also ordered the governor to “suppress the engrossing of commodities as tending to the prejudices of that freedom which trade and commerce ought to have.”²⁷⁶ Interestingly, Cornwallis’s commission granted him the power to order and appoint fairs, marts and markets for the public sale of goods, though nothing is mentioned on this topic in the instructions. This suggests that at least in this respect, the management of the internal economy of the colony was at the dispensation of the governor and not Council or the assembly.²⁷⁷

The issuing of Bills of Credit was another problem directly addressed by the instructions. The instructions note that in other colonies acts had been passed “for striking bills of credit and issuing out the same in lieu of money in order to discharge their publick debts and for other purposes, from whence several inconveniences have arisen.” The governor was not to give his assent to or pass any act allowing bills of credit to be struck in lieu of money or for payment of money, either to the governor or any other officer of the government. The clause very specifically stated that bills of credit were only to be struck to the Board of Trade, “*Our Heirs and Successors* (emphasis mine), without a clause be likewise inserted in such act declaring that the same shall not take effect until the said act shall have been approved and confirmed by us, our heirs and successors.” The insertion of the phrase ‘*Our Heirs and Successors*’ suggests that this instruction was to remain valid in perpetuity and was, for all intents and purposes, to be considered law in the province from the moment the settlers set foot on the beach at Chebucto. The seriousness of the problem of issuing bills of credit was enough to prompt the authors of the instructions to make it abundantly clear that deviation from the instructions in this matter would not be tolerated. Finally, one clause of the instructions is particularly telling about the relationship the Nova Scotia administration was to have to parliamentary financing: “And you

²⁷⁵ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff.16-19.

²⁷⁶ *Ibid*, ff. 25 & 108.

²⁷⁷ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.2, Draught of a Commission for the Honourable Colonel Cornwallis to be Governor of Nova Scotia, 29 April, 1749, f. 451.

shall not permit the Assembly to appoint or nominate any persons to execute any office in the administration of the revenue or any other executive part of government.”²⁷⁸ Unlike in the other American colonies, the assembly was to be completely cut off from the source of its power before it was even created; the colonial war chest. As will be demonstrated in chapter three, several aspects of the Board of Trade’s central control of the colony’s finances would become problematic for Cornwallis’s administration only a little more than a year after the settlement of Halifax.

Parliamentary spending to establish Halifax came during the period from 1748-54 when the British government doubled its spending in North America to approximately £330,000 a year. This spending would triple again during the Seven Years War to nearly a £1 million per annum. By March of 1750, the costs of establishing Halifax through transporting and supplying the settlers, the building of the town and establishing a garrison, had already reached an astonishing £76,000, and it was estimated that additional expenses for 1750 would come close to £40,000.²⁷⁹ Many unforeseen costs quickly mounted during the early years of the colony as well. The protracted war with the Mi’kmaq caused the colony’s expenses to balloon to nearly £174,000 by 1751 as Cornwallis tried to put the colony on a secure footing in the face of Indian attacks. Gorham’s Rangers, whom Cornwallis had kept in his service to fight the Mi’kmaq accounted for 7 percent of the colony’s expenditures on their own.²⁸⁰ Warfare against the aboriginals was not the only centralizing initiative to emerge from parliamentary funding. The Halifax government provided regular assistance to the settlers in the form of food rations until 1762. Elizabeth Mancke has suggested that these Government subsidies not only had the short term effect of speeding settlement, they also had a long term effect of encouraging a sense of local deference to government. Transportation and food provided by parliamentary funding, but distributed by local elites, would shift some of the allegiance of local leaders from the township’s residents to the government. Officials in Halifax chose the committees that oversaw the distribution of food (As outlined in their instructions), reinforcing the right of the colonial government to determine local affairs. Because these expenses came from parliamentary appropriations, local merchants

²⁷⁸ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 82-87.

²⁷⁹ L.F. Stock, Proceedings and Debates of the British Parliaments Respecting North America, Vol. 5, p.410-411.

²⁸⁰ J. Grenier The Far Reaches of Empire, p.162.

and elites understood that their loyalties were directly tied not just to Halifax, but also to Whitehall and to Westminster.²⁸¹

Whether it was the physical territory of the province or the mechanisms of government, the Board of Trade was determined to ensure that Nova Scotia would become a thoroughly British province, to the exclusion of the French Inhabitants or the Aborigines. To accomplish this in the colony's unstable political environment required conferring comprehensive executive powers on the governor and Council. Upon establishing the colony, Cornwallis and his council had two primary political tasks: The first task was the creation of the government machinery itself; the second task was the creation of a political space within which British authority could exist in the province. This space was as much administrative as it was physical, and was created by the implementation of the instructions regarding land grants.

The appointment of the Executive Council members was one of Cornwallis's first administrative actions after arriving at Chebucto Harbour. The new governor was instructed to name twelve council members. Cornwallis did so on 13 July, 1749 after Mascarene arrived at Chebucto with his council. Mascarene was subsequently named to Cornwallis's Council.²⁸² True to the commands of the instructions, Cornwallis transmitted the names of his council members to the Duke of Bedford and the Board of Trade, who wanted to be informed of the "names and characters" of the council members "whom you shall esteem the best qualified for that trust."²⁸³ The rules set out for the functioning of the Executive Council are interesting and somewhat contradictory. One clause indicated that to be better able to assist the governor in his administration, he was to "communicate unto our said council such and so many of these our instructions wherein their advice and consent are required, as likewise all such other from time to time as you shall find convenient for our service to be imparted to them." The following clause indicated that the council should "enjoy the freedom to debate and vote in all affairs of public concern that may be debated in council."²⁸⁴ If one follows the logic that the Governor was bound by his instructions from Britain, and Executive Council was as well, then there could be little for them to debate and vote on unless it was on procedural issues of implementation or petty local

²⁸¹ E. Mancke, *Fault Lines of Empire*, p.17.

²⁸² Nova Scotia "A", Original Correspondence, Cornwallis to Bedford, 23 July, 1749, f. 192.

²⁸³ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 55-56.

²⁸⁴ *Ibid*, f.55.

issues in Halifax. Under these instructions the Board of Trade would still have purview over any major political decisions in the colony.

The Governor's powers were less ambiguously laid out in the instructions. Contrary to Shirley's recommendation, the governor would not be allowed to suspend council members unless he obtained the express consent of the rest of the Council and the Board of Trade. The clause did allow for the suspension of councilors without the consent of the Board in extraordinary circumstances, but again would be required to transmit the circumstances of the case to the Board of Trade and Secretary of State for review.²⁸⁵ In a clause of Cornwallis's commission which was not suggested by Shirley, the governor received the power of veto in "the making and passing of all laws, statutes and ordinances."²⁸⁶ The instructions also empowered the governor to call a "general assembly of freeholders and planters..." consisting of two elected representatives from each township "...so soon as you shall see expedient (emphasis mine)."²⁸⁷ This discretion to call an assembly when the governor deemed it 'expedient' was one power which would be abused by the local administration; a legislative assembly would not be called in Nova Scotia until nine years later in 1758, after the second defeat of Louisbourg. In one of the most important clauses in the instructions, all laws in the province were required to be passed by the consent of the governor, Executive Council and the assembly in unanimity in order to be considered legally valid.²⁸⁸ As will be demonstrated later, this would prove to be a source of major legal difficulties for the province once the assembly was finally established in 1758. The Board of Trade inserted several clauses which recognized that improved communications with colonial governments could go a long way towards strengthening London's control. All laws passed in Nova Scotia, along with transcripts of the journals of the council and assembly, and all financial accounts, were to be transmitted to the Board for scrutiny. Copies of laws were to be sent to the Board within three months of their enactment, and were required to be kept in force for at least two years to give the Board enough time to review them and return their comments. As in the other colonies, the Privy Council in consultation with the Board reserved

²⁸⁵ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff.57-58.

²⁸⁶ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.2, Draught of a Commission for Colonel Cornwallis, f.438.

²⁸⁷ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 74.

²⁸⁸ *Ibid*, f. 75.

the right to annul any law passed in the province.²⁸⁹ The Board of Trade's communications regarding Nova Scotia did, in fact, increase greatly in the two years after the colony was established. The Board of Trade wrote to Cornwallis twice in 1749, 3 times in 1750, and twice again in 1751. While this may not sound like a great increase, each of these communications contained at least twenty pages of material. The Board of Trade wrote to Bedford regarding Nova Scotia matters three times in both 1749 and 1750, but only once in 1751, understandable since Bedford resigned as Secretary of State in July.²⁹⁰ For his part, Cornwallis's pen was busy, as he wrote either the Board or Bedford eleven times in 1749 and 1750, and eight times in 1751. This flurry of communication activity symbolizes the increase in importance that Nova Scotia suddenly held for British authorities, who wished to be kept abreast of the entire administrative goings on in the province. Halifax himself even wrote to Cornwallis in June 1751 expressing anxiety at not having received any account of the state of the colony since the previous November.²⁹¹

With regards to creating a British space in the province, the instructions laid out some clear ground rules for drawing up land grants. Most of those officials who had offered their opinion on dividing the lands had suggested that ex-servicemen should be offered free land in Nova Scotia first. This advice was taken to heart, and decommissioned soldiers, sailors and officers were to be offered the most generous portions of land. Skilled artisans were also to be offered liberal parcels to encourage their migration to the new colony.²⁹² Other stipulations such as waiving quitrents on settler's grants and establishing rules for clearing and improving lands in a timely manner were also to be implemented. The governor and his Council were alone given the authority to issue land grants; the assembly was to be excluded from the process of distributing property in the province.²⁹³ By far the most important aspect of dividing the lands from an imperial point of view, however, was using land grants to create a British space in a hostile country. In surveying for the new townships the administration was instructed to ensure that they contained "settlements belonging to our French subjects," to better subject them to British

²⁸⁹ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 78-79, 83-85.

²⁹⁰ H. Walpole, *Memoirs of King George II*, Vol. 1, p.123

²⁹¹ Nova Scotia "A", Original Correspondence, Halifax to Cornwallis, 14 June, 1751, f. 140.

²⁹² Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 26-28.

²⁹³ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.2, Draught of a Commission for Colonel Cornwallis, f. 450.

authority and administration, and they “may be subjected to such rules and orders... for the better ordering and governing the said townships.”²⁹⁴ Furthermore, Cornwallis’s government was to lay out townships and issue grants of land for settlement in the northern areas of the province around the St. John’s River and along the north shore of the Bay of Fundy “for the better cultivating a friendship with the Indians inhabiting those parts and preventing the designs of the French.” The French inhabitants were also to be barred from 1749 onwards settling on any lands claimed by the British in Nova Scotia, even though any British claims were nebulous until proper surveys of the province’s lands were conducted.²⁹⁵

Jack Greene has identified a process of empire building in the Americas characterized by the creation of spaces in the Americas through cartographic representation which were ostensibly under European authority. In terms of the control of territory emanating from a colonial center, Greene has called the area over which settlers of European origin successfully asserted mastery the “ecumene.” Beyond this ecumene was the “sphere of influence,” an intermediate area where European traders, hunters, and other boundary crossers interacted with native peoples, serving as advance agents of settlement and contesting the presence of rival Europeans. Anything beyond the “sphere of influence” was merely a “claim” to exclusive development, which other European powers may or may not choose to honour.²⁹⁶ In the case of Nova Scotia, the structure of colonization being described here was especially complicated. The core region of British control was very small in 1749, being confined to the tiny, fledgling settlement of Halifax and the garrison at Annapolis Royal. A “sphere of influence” in the province for the British could barely be said to exist at this point. Cornwallis admitted to the Board of Trade in 1751 that establishing new settlements outside of Halifax was impossible due to the danger of attacks by the Mi’kmaq, and settlers seldom ventured outside of the town for the same reason.²⁹⁷ All that was left for the British under these circumstances was a “claim” to the lands within the province, backed only by the Treaty of Utrecht, which did not offer clear boundaries between the French and British claims. Lacking the means to physically impose their will on the land, the government at Halifax

²⁹⁴ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., f. 11.

²⁹⁵ *Ibid.*, ff. 37-38.

²⁹⁶ J.P. Greene, *Negotiated Empires*, p. 2-3. For more on the topic of European “spheres” of authority in the Americas, see P. Karsten, *Between Law and Custom: "High" and "Low" Legal Cultures in the Lands of the British Diaspora- the United States, Canada, Australia, and New Zealand, 1600-1900.*

²⁹⁷ S.E. Patterson. “1744-1763, Colonial Wars and Aboriginal Peoples,” p. 134.

would assert the political and legal basis for British authority through township surveys, until such time as they did have the means to expand their influence through physical settlement. As directed in the instructions, Surveyor General Charles Morris was appointed in 1748 with a mandate to locate ‘places in the province of Nova Scotia a number of Protestants may speedily settle,’ at the same time ensuring they could support and protect themselves. To help reorganize the province’s lands to bring them under a British sphere of influence, the Earl of Halifax desired that the new townships be established under the British grid system, rather than the French seigniorial system, with lots to be fronted on the water wherever possible to facilitate travel and communication. If French lands were included in the new townships and brought within the orbit of the British administration, than the French inhabitants property could be defined and controlled by the imperial authorities.²⁹⁸ In a rather vain attempt to encourage the French and the Aborigines to convert to Protestantism, Cornwallis was instructed to allow them the same land grant privileges as any Protestant settler if they did so. It was hoped that such a concession might also encourage intermarriage between both the Aborigines and the French with English settlers in order to hasten their assimilation.²⁹⁹ These policies, of course, did not anticipate the regrettable expulsion of the Acadians in 1755 which removed any further complications for British settlement on the fertile lands around the Isthmus of Chignecto.

Elizabeth Mancke has described how the system of land grants also served to strengthen the political authority of the executive in Nova Scotia, although this process would not come to fruition until after 1758. Problems had developed in New England because of the tradition there of the provincial government granting land to groups of proprietors who formed corporations. These corporations took the form of incorporated towns, which assembled their own town governments with the power to divide the lands within its grant, and autonomy in a broad range of local matters. These New England customs for establishing communities were a major concern for British officials because group grants engendered cohesive political units that had proved themselves adept at evading the wishes of British planners, and even asserted their autonomy from the provincial government.³⁰⁰

²⁹⁸ J. Lennox, “An Empire on Paper,” pp. 381-386.

²⁹⁹ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 48-52.

³⁰⁰ E. Mancke, Fault Lines of Empire, p.10.

In the eyes of the Board of Trade the solution to this problem was to ensure that the right to grant land was a power the Board of Trade possessed under its final purview, rather than under a colonial assembly or the governor. The 1749 instructions required that detailed records of each land grant issued be kept and then transmitted for review to the Secretary of State, the Board, and the Auditor of Plantation Revenues.³⁰¹ Governor Charles Lawrence, who initiated a wave of settlement in the province after 1758, attracted New Englanders with a proclamation promising a similar government structure to their home colony. However, subtle changes to the language of the land grants he offered would ensure a much greater measure of central control in the province than was possible in New England. The proclamation advertising available land in Nova Scotia referred not to town government, but to a legislative assembly with townships serving as electoral ridings. The term “township” rather than “town” was chosen on purpose. In New England usage, a township is a unit of land that can be defined by survey whether peopled or not. In contrast a town is the incorporated political entity comprised of residents within a township.

The grantees were to divide the land amongst themselves in 500 acre shares; if they could not agree on a procedure for doing so, the governor would appoint a proprietor’s committee to divide the land for them.³⁰² The establishment of the proprietor’s committees in each township was a stipulation very clearly laid out in the 1749 instructions, although in the instructions this is framed as a requirement, not an option.³⁰³ In this way the grants played on the strong corporate traditions of New England, they would become null and void if grantees did not work together to ensure the necessary number of settlers arrived and stayed in the township. This conferred corporate responsibilities on the settlers, but they were granted no corporate rights. In the eyes of colonial officials in Halifax and Whitehall, what the New Englanders regarded as the political rights they were entitled too were actually revocable privileges. In 1763 Richard Bulkely, the provincial secretary, and Charles Morris recommended to the Council that the New England Settlers be allowed the political rights to which they were accustomed, a proposition the Council was unreceptive to. In 1767, the Nova Scotia Assembly passed an act requiring a writ for land to be distributed in the townships. The same year a justice of the peace in Londonderry issued a warrant allowing settlers there to choose their own committee to divide the lands, which the

³⁰¹ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 32-33.

³⁰² *Ibid.*, p. 10-13.

³⁰³ *Ibid.*, f. 28.

Council in Halifax declared unlawful.³⁰⁴ The business of local government in the townships was conducted by royally appointed justices of the peace of the Courts of Session (County Courts), in the same manner as local government was conducted under the royal government in Virginia.³⁰⁵

The justices, appointed by the government in Halifax, were given sweeping authority over local matters similar to their broad and discretionary powers in England. Their powers covered such matters such as licensed premises, vagrants, overseers of the poor, roads and bridges, and watches and constables. In such a role, the justices acted as a substitute for town government.³⁰⁶

In principle, the Nova Scotia administration would develop clear vertical linkages in the chain of authority from Crown-in-Parliament, to Board of Trade, to governor, to council and legislative assembly, down to local government administered through a county court system with royally appointed officials. Autonomous local structures of authority, such as incorporated proprietorships or incorporated town government which fostered horizontal linkages at the expense of vertical ones, were not allowed.³⁰⁷ The foundation for all of these principles was already in place in the instructions of 1749. While they made allowance for the laying out of townships and town lots within them, no mention was made whatsoever about the form of local government.³⁰⁸ Likewise, there is no mention made of any rights or privileges to be granted to the settlers of the province.

The instructions were incomplete on these issues for a reason. It allowed the Board of Trade to issue additional instructions in the correspondence at a future time to “clarify” or “modify” the basis of the Nova Scotia administration. Only two weeks after the instructions were issued to Cornwallis, the Board wrote to him to make modifications to the rules regarding land grants. The Board noted that land speculation and abandonment had been a serious problem in other colonies, especially Georgia. Not wanting settlers who planned to leave the province to sell their land to French inhabitants, Cornwallis was ordered to insert a clause requiring settlers to stay on their land a minimum of ten years or forfeit it back to the province. To prevent

³⁰⁴ E. Mancke, *Fault Lines of Empire*, pp. 13-15. This is a simplified synopsis of Mancke’s analysis. For an excellent discussion of the differences between New England and Nova Scotia land grant procedures and local government, see especially chapter 2, “Corporate Structure and Private Interest, The Mid 18th Century Expansion of New England,” and chapter 7, “The Structure and Functions of Local Government.”

³⁰⁵ *Ibid*, p. 149.

³⁰⁶ *Ibid*, p.66.

³⁰⁷ *Ibid*, p. 26.

³⁰⁸ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 7-10.

speculation, the sale of unimproved land was to be made illegal. Furthermore, any settler who wished to leave the province before the passage of ten years would be required to present themselves before the Council, and return any arms and supplies that had been provided to them by the government.³⁰⁹ In late 1749, while the Board was in negotiations with a merchant to transport Swiss and German settlers to Nova Scotia to establish new settlements, an order of the Board was sent to Cornwallis outlining the “advantages and encouragements” to be offered to them in Nova Scotia. These advantages included a grant of land similar to those previously offered to settlers at Halifax; twelve months of government assistance upon their arrival; arms, ammunition, and implements for farming, fishing, improving lands and building homes; and that they would have the expense of their passage to Nova Scotia defrayed by laboring at public works for one year.³¹⁰ The Board was very careful, it seems, never to refer to the “rights” of settlers, only “privileges,” “advantages,” or “encouragements.” Privileges or advantages could be revoked or modified, rights could not. Control over privileges in this instance belonged directly to the Board of Trade, and is another example of how metropolitan authorities intended to exert centralized control over the colony. This process of re-interpretation of the gubernatorial instructions will be further demonstrated in the following chapter.

The metropolitan authorities would be just as careful to ensure that the province’s legal system was firmly under their control. The law of the province was expected to conform to standards to help shape British Nova Scotia’s society as closely as possible to the one that existed at home. Necessarily, this also meant that non-Anglo Saxon populations in the province had to be made into legal outsiders, and dealt with in ways that ensured their continuing marginal legal status. Accounting for the local conditions in Nova Scotia was paramount in the Governor’s instructions and commission for anticipating the challenges which would face the new British settlements. It is therefore of little surprise that the legal regulation of religion factored heavily in the instructions. Among the first orders within Cornwallis’s commission was a relatively vague clause that Cornwallis “make and subscribe the Declaration mentioned in An Act of Parliament” entitled “An Act for Preventing Dangers which may happen from Popish Recusants.”³¹¹ The

³⁰⁹ Nova Scotia “A”, Original Correspondence, Board of Trade to Cornwallis, 15 May, 1749, ff. 81-86.

³¹⁰ Nova Scotia “A”, Original Correspondence, Order of the Board of Trade (Thomas Hill, Secretary), 22 December, 1749, ff. 194-201.

³¹¹ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.2, Draught of a Commission for Colonel Cornwallis, f. 431.

inclusion of this clause in the commission made clear that the control of Catholicism was to be central in the establishment of early provincial laws.

Accordingly, the instructions included several clauses related to this issue. Cornwallis's new government was required to send to the Board of Trade an account of the number of Catholic priests and mass houses in the province, and immediately outlaw "any priest to officiate or any new Mass Houses to be erected" without a license from the Governor. The Board of Trade recognized the issues which had arisen as a result of the Bishop of Quebec exercising Episcopal jurisdiction in Nova Scotia, such as the forbidding of intermarriage between French inhabitants and Protestant settlers. Therefore, the governor was to make a declaration that "such exercise of their Episcopal authority shall cease for the future," and any priest apprehended for excommunicating any of the province's French inhabitants would be punished in the same manner as the laws of Great Britain directed. To help facilitate the conversion of Catholics to the Protestant religion, the Nova Scotia government was to actively encourage the education of Catholic children in Protestant schools. The allocation of 200 acres of land for each clergyman and 100 acres of land for a schoolmaster was to be set aside in each township for this purpose, including the ones which overlapped with French settlements. Regarding the aboriginal inhabitants, the instructions stated that the administration was to maintain "a strict friendship and good correspondence" with them. Cornwallis was to call a meeting with the heads of the province's Indian tribes upon his arrival to enter into an agreement on a treaty of "friendship and protection," and to bestow presents upon them at his discretion to reinforce the treaty.³¹²

The restriction of Catholicism through the law in Nova Scotia ran somewhat opposite to current thinking about religious toleration in Great Britain. Linda Colley has observed that throughout the 18th century, at least among the well-educated and political elite, there was an increase in religious toleration in Great Britain, especially after the final defeat of the Jacobites in 1746. With the Stuart threat permanently removed, London was far more willing to relax laws against British Catholics. Moreover, in communities where they were known and trusted, Catholics were often allowed to live in relative harmony with their Protestant neighbors even before 1746. This did not mean, however, that Catholics were allowed the same rights and privileges as Protestant Britons. Among other things, their refusal to swear an oath of allegiance

³¹² Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 43-53.

to the Hanoverian monarch disqualified them from holding office, the right to vote, and were subject to punitive taxation. Furthermore, they were still far from immune from becoming victims of anti-Catholic violence and riots, especially during times of war with another Catholic nation, particularly France. The legal position of Protestant dissenters, on the other hand, was much different by the 18th century. The Toleration Act of 1689 permitted dissenters who accepted the doctrine of the Holy Trinity the right to worship freely. They were also allowed to vote provided they met the relevant property qualifications, and could hold office as long as they occasionally conformed to Anglican worship.³¹³

Increased toleration of Catholics in Great Britain was somewhat tempered by foreign affairs. Even well after 1707 when the kingdom of Great Britain was united, the Counter-Reformation was still very much in progress in parts of continental Europe. For example, France had attempted to expel its Protestant population in 1685, and many of these Huguenot refugees had settled in Britain. In Spain, the Inquisition continued to take action against Protestants throughout the 18th century. The military challenge posed by the French nation loomed large in British minds as well. Right up until the end of the 19th century, most politicians, military experts and the British press continued to see France as Britain's most dangerous and obvious enemy. France was a nation with a much larger land mass and population than Great Britain, and by far their greatest commercial and imperial rival. It possessed a more powerful army which had proved itself capable of conquering large tracts of Europe. But most importantly, France was a Catholic state, making it a natural rival to British ambitions.³¹⁴

These less friendly attitudes of Britons at home towards Catholics greatly informed the policy towards them in Nova Scotia. Mancke has identified several shifts in the way the institutional mechanisms and arrangements were linked to the legal systems of overseas dependencies to the metropolitan government in Britain. The most hotly debated of these shifts occurred in the mid-eighteenth century and concerned how law was to be used to honour the rights of people who were not English-speaking Protestant subjects, particularly indigenous peoples and conquered subjects, such as French Canadians. Nova Scotia's legal system took

³¹³ L. Colley, *Britons: Forging the Nation, 1707-1837*, p.19-22. For a more detailed analysis of attitudes towards Catholics in eighteenth century England, see C. Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80: a Political and Social Study*.

³¹⁴ *Ibid*, p.23-24. For more on Anglo-French relations in the eighteenth century, see J. Black, *Natural and Necessary Enemies: Anglo-French Relations in the Eighteenth Century*.

form at this time, when these transitions were especially volatile and fluid.³¹⁵ The gubernatorial instructions ordered the establishment of legal precedents in Nova Scotia that appear fairly harsh in comparison to the current relaxation of policies in Britain itself. For example Cornwallis told the Acadians in late 1749 that the lenient oaths of allegiance Governor Philipps had offered them which confirmed their neutrality were null and void, as no one in Great Britain had ever approved them. The Acadians were faced with the option of swearing a new oath or the occupation of their lands by British troops.³¹⁶ This might appear understandable from the British point of view. While the Acadians were technically conquered subjects, the British administration did not have the manpower to enforce their obedience for a few years after the establishment of Halifax. Given the tenuousness of the British position in the frontier province and the double threat of the aboriginal presence, the early implementation of reactionary legal measures against Catholicism, regardless of their ability to enforce them, seems inevitable. It was the adoption of these harsh exclusionary measures against Nova Scotia Catholics that contributed to the disgraceful episode of the Acadian expulsions only six years later.

The initial position taken towards the Mi'kmaq and the Maliseet, however, was somewhat different. As already demonstrated, the instructions aimed at somewhat more conciliatory relations with the province's Aboriginals. Soon after landing his settlers at Chebucto Bay and getting settled in, Cornwallis was visited by a group of Mi'kmaq. Cornwallis used the opportunity to ask them to spread the word amongst the province's tribes to send representatives to Chebucto so the British may conclude a treaty of peace and friendship with them. The invitation succeeded in drawing representatives from a few Mi'kmaq tribes, and a peace was subsequently concluded. This peace, however, did not bind all of the colony's tribes, nor was it long lasting. Isolated incidents of violence against British settlers and New England soldiers, in part encouraged by Father le Loutre, soon provoked Cornwallis to take reactionary measures against the Mi'kmaq, which led to a prolonged guerilla war.³¹⁷ This was an instance where the intentions of the Board of Trade were not fulfilled by the Nova Scotia administration. Cornwallis's appeals for firmer action against the aboriginals in the face of what he viewed as unprovoked violence were successful at convincing the Board to change its policy towards them.

³¹⁵ E. Mancke, "Colonial and Imperial Contexts," p.33.

³¹⁶ J. Grenier, *The Far Reaches of Empire*, p.145-146. The Acadians continually refused to swear a new oath of allegiance which would have required them to bear arms for the British Crown, even after the Acadian deportations began in 1755.

³¹⁷ *Ibid*, p.151-152.

Henry Pelham, though reluctant to reverse the government's policy of trying to maintain peaceful relations with North American aboriginals, told Newcastle in July 1750 that Cornwallis should be instructed to use force against the Indians if necessary,³¹⁸ which he already had been by Halifax.³¹⁹ Technically, Cornwallis required permission from London to take forceful measures against the Aborigines, since the instructions and commission made no allowance for making war against them. In this case he followed the letter of the law and sought that permission before taking any action. The Council released a proclamation offering a bounty to any British settler who killed and took the scalp of a Mi'kmaq warrior "wherever they are found" within the province.³²⁰ They then took a very legalistic approach and decided not to formally declare war against them, as legally this would be to acknowledge that the Mi'kmaq were a "free and independent people... whereas they ought to be treated as so many banditti ruffians or rebels to his majesty's government."³²¹

The instructions also made allowances for the establishment of the province's courts of law. The instructions explicitly stated that one principle court of judicature, a General Court, was to be erected and held at least twice a year upon first establishment of the settlement. Cornwallis was also instructed to establish inferior courts of judicature in each township, as well as appoint judges, justices of the peace, and other officers of justice as needed.³²² By the governor's commission, Cornwallis was given sole discretion as to the appointment of judges and any other justice official.³²³ Interestingly, the instructions forbid the Governor from dismissing any of these appointed justice officials "without good and sufficient cause," and approval from the Board of Trade. Furthermore, the governor was disallowed from imposing any time limits on the offices of any of his appointed justice officials. The Board also noted that in the other colonies there had been "frequent complaints... of great delays and undue proceedings in the courts of justice." The governor was instructed to "take especial care that in all courts, where you are authorized to

³¹⁸ W. Coxe, *Memoirs of the Administration of the Right Honourable Henry Pelham*, Vol. 3, Pelham to Newcastle, 13 July, 1750, p.351.

³¹⁹ Nova Scotia "A", Original Correspondence, Halifax to Cornwallis, 16 October, 1749, ff. 97-98.

³²⁰ Nova Scotia "A", Original Correspondence, Cornwallis to Bedford, 2 October, 1749, ff. 75-76.

³²¹ Nova Scotia "A", Original Correspondence, Resolution of Nova Scotia Council, 1 October, 1749, ff. 72-73.

³²² Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 60-62.

³²³ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.2, Draught of a Commission for Colonel Cornwallis, f. 444-445.

preside, justice be impartially administered,” and that all other courts in the province be monitored in like fashion.³²⁴

Surprisingly, the instructions did not explicitly indicate that Nova Scotia should have a justice system that would seek to closely copy English laws. The only indication of the direction the legal system should take was in the commission, which mentions that laws “are not to be repugnant, but as near as may be agreeable to the laws and statutes of this our Kingdom of Great Britain.”³²⁵ Similar clauses had also appeared in the royal charters of other American colonies in the past, including Maryland and Virginia.³²⁶ This clause appears to give the colonies some leeway in the creation of their legal systems. But Jack Greene has contended that in the rest of North America, despite colonial resistance to centralized control, the impulse to copy British systems of law and administration was very high throughout the 18th century, especially in colonies like Virginia.³²⁷ The transference of English legal systems to the North American colonies, however, had also been based on a certain amount of negotiation and local variations before 1748 despite these impulses to mimic English law, especially in colonies like Massachusetts.³²⁸

The legal system adopted in Nova Scotia was not clearly defined in the gubernatorial instructions, but seems as though it was established according to Cornwallis’s discretion. Cornwallis indicated to the Board of Trade that the system of courts of judicature he erected in early 1750 was to be based on the courts of Virginia.³²⁹ The court system in Virginia, as noted earlier, had been reformed early in the 18th century to conform closely to the county court system which existed in England. Cornwallis created the Inferior Court of Common Pleas (ICCP) in 1750 as a court that would exist in each township, with the jurisdiction to hear all criminal cases except those where the sanction was death, dismemberment or ostracism, and except civil cases

³²⁴ In a clause that was typically applied to the charters in other colonies as well, though not always observed, Cornwallis was ordered that all appeals to decisions made by the superior court in Halifax were to be made directly to Board of Trade, which served as the last appellate court in the empire. See also footnote 49. Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 63-65 & 73-74.

³²⁵ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.2, Draught of a Commission for Colonel Cornwallis, f. 436-437.

³²⁶ T.G. Barnes, “As Near as may be Agreeable to the Laws of this Kingdom,” p. 6-7.

³²⁷ J.P. Greene, *Negotiated Authorities*, p.193.

³²⁸ E. Mancke, “Colonial and Imperial Contexts,” p.34.

³²⁹ Nova Scotia “A”, Original Correspondence, Cornwallis to the Board of Trade, 19 March, 1750, f. 125.

of less value than 20 shillings.³³⁰ In one manner in particular, the instructions did provide direction on the creation of laws that should mimic laws written in England; those regarding moral behavior. Bob Harris has outlined in detail the British moral reform movement of the 1750s, which he argues was sparked by fears that rapid commercial and mercantile expansion led to wicked behavior and excess among the nation's elites. This movement, Harris, contends, has been underreported or ignored by previous historiography on British domestic politics in the mid eighteenth century.³³¹ The moral standard imposed by the reformers was also supposed to be observed in all the American colonies, and the clause in the Nova Scotia instructions regarding moral legislation noted that the Bishop of London had petitioned the King asking him to send similar instructions to the other governors.³³² The clause asked the governor to recommend to the assembly that laws be enacted for the rigorous punishment of blasphemy, adultery, profanity, incest, drunkenness and failure to observe the Sabbath, and other "vices." Church wardens were to be appointed whose job it was to present such cases to the ICCP. Also, "for the further discouragement of vice and encouragement of virtue and good living, that by such example the infidels may be invited and persuaded to embrace the Christian religion," no person "whose ill fame and conversation may occasion scandal" was to be allowed to hold public office in the province.³³³ After the convening of the province's first legislative assembly in 1758, a series of laws were passed which mirrored the moral reform movement that was currently in fashion in Britain. Among others these included laws for the relief of the poor; for the prevention of gaming and gambling; for the "better observation and keeping of the Lord's Day," and laws regulating marriage, divorce, incest and adultery.³³⁴

The gubernatorial instructions and governor's commission for Nova Scotia represented a concerted attempt by the Board of Trade to strengthen executive and imperial control over the colony through methods which would be used with little success in the other American colonies.

³³⁰ S.E. Oxner, "The Lower Court of Nova Scotia," in Law in a Colonial Society: The Nova Scotia Experience, p.61.

³³¹ B. Harris, Politics and the Nation. See especially the chapter 7, "Morals and the Nation," pp.278-323.

³³² Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff.103-104.

³³³ *Ibid*, ff. 103-105.

³³⁴ LAC, MG 11, CO 219, Acts, Nova Scotia; Vol.7, An Act Concerning Marriages and Divorce and for Punishing Incest and Adultery and declaring Polygamy to be a Felony, 19 March, 1759, ff.98-100; Vol.8, An Act for the Relief of the Poor in the Town of Halifax, 13 August, 1759, ff.14-15; Vol.8, An Act for the Prevention of Gaming, 31 December, 1759, f.33; Vol.9, An Act for the Better Observation and Keeping of the Lord's Day, 13 August, 1761, ff.1-4.

Being a colony with no legitimate British political or legal traditions, the local administration and population of Nova Scotia was in a poor position to resist these tendencies. The following chapter will demonstrate this strengthening of executive and imperial power in Nova Scotia using specific examples related to the economic, political, and legal administration of the province. The Board of Trade expected to have the final say in the manner the province was administrated by the local government, and in this endeavor was largely successful. Control over the internal affairs of the province was monitored and regulated from Whitehall to a far greater degree than the internal affairs of Great Britain were controlled by their own authorities.

CHAPTER 3

The Successes of Imperial Centralization, 1750-1761

Despite the high level of central control the Board of Trade was able to exert over the Nova Scotia administration, British authority in the province did not evolve without challenge or difficulty. This was to be expected in a colony where the competition for territory and control was split three ways between the British, French and Aboriginal population. Though many difficulties were encountered by the Board of Trade in keeping the Nova Scotia administration truthful to the Board's vision of how the colony must be managed, the mechanisms put in place by the gubernatorial instructions and commissions were quite effective at correcting deviations from their plans.

Financial troubles in the colony began almost immediately. It became apparent only a year after the settlement of Halifax that the limited patronage which was necessarily given to Cornwallis upon his arrival at Chebucto was too much for a publicly funded colony. Hugh Davidson, one of Cornwallis's first Executive Council members, was quick to take advantage of his position for personal profit. Unfortunately for Davidson, the Board's insatiable demand for proper bookkeeping and accounts of how the public money was being spent led quickly to his discovery and removal from office.³³⁵ Cornwallis himself felt the Board's wrath on more than one occasion as well. The enormous sums spent on Nova Scotia in the first three years of its existence frustrated Lord Halifax and the Board of Trade which had to justify large exceedings of the budget for the colony to a Parliament dedicated to austerity. The Board's demands for frugality by Cornwallis, which seemed quite reasonable from its perspective, were seen as anything but reasonable to Cornwallis. The constant demands from the Board for thrift and exact bookkeeping eventually led in 1752 to the resignation of an aggravated Governor Cornwallis.

The establishment of political authority was delayed by issues beyond the control of the Board of Trade, but in the long run was quite successful. The events leading up to the calling of the province's first meeting of the legislative assembly provide an example of how Nova Scotia's executive authority worked too well. Although the Board had repeatedly ordered Lawrence to call an assembly since 1755, Lawrence was able to delay any action until 1758, after the second

³³⁵ Nova Scotia "A," Original Correspondence, Lord Halifax, the Board of Trade Journals, 18 December, 1750, f.236.

fall of Louisbourg. A noisy group of Halifax merchants calling themselves the 'Committee of Freeholders of Halifax in Nova Scotia' banded together in 1757 and 1758, and sent several petitions to the Board accusing Lawrence and several other civil officers of corrupt and brutal treatment of the province's population. Their accusations, and demands that an assembly be called, finally forced the Board's hand which informed Lawrence in no uncertain terms that an assembly be called immediately. Nova Scotia's assembly and was first convened in October 1758.

The development of the legal system in the province clearly outlines the strategies the Board used to make Nova Scotia a British province, and one that was undoubtedly under British authority. The Board of Trade and Privy Council held a crucial check on the Nova Scotia assembly's powers, the ability to disallow the province's laws. This was a power which the British authorities held over all of the North American colonies, though they experienced much more resistance elsewhere than in Nova Scotia. Lacking in a legal or political tradition, the provincial assembly did not have the power to resist British authority to direct their internal affairs. Yet, the Board wished that the laws passed by the Governor and Executive Council without an assembly before 1758 remain valid, and obtained the passage of an act affirming many of them during the assembly's first session. These examples clearly illustrate that metropolitan authorities maintained powerful control over the colony's administration even after the establishment of an elected legislature.

Provincial finances and imperial control in Nova Scotia

Although the Board exercised close supervision over the internal affairs of the Nova Scotia administration, it was difficult to fully supervise and police the colony from such a great distance. When Cornwallis first landed at Chebucto, his commission gave him the authority to select the members of his first Executive Council, so long as he informed the Board of his choices by his next correspondence. This was likely perceived by the Board as a necessary power for the new governor so that he could establish the government of the colony without delay. This would of course help to avoid any possible insurrection by the settlers accompanying the new government, and also organize them against resistance from the existing local communities of French and Aborigines. It would also serve to hasten the process of establishing and building the

new settlement, without having to wait up to three months to receive a reply from the Board of Trade approving Cornwallis's selections for the Council. Hugh Davidson, one of Cornwallis's appointees to the first Council, was granted the offices of both Secretary and Treasurer of the colony, putting him in charge of the management of the funds from the parliamentary grant.

Before going into greater detail on the Davidson affair, it is necessary to briefly account for the nature of patronage and corruption in British society. Patronage, roughly defined as the appointment of individuals to government and civil offices rather than through election or competition, permeated virtually all aspects of British civil society in the eighteenth century. The general character of British patronage was defined by three main features: That the politically active men of the nation had a claim to maintenance provided by the state; that appointments in the Civil Service and even in the fighting forces were made at the pleasure of the King; and that a majority of the seats in Parliament had a quasi-proprietary character, they were purchased in the same manner as property, were expected to provide returns to their owner, and could be passed along as an inheritance.³³⁶ Ministers, selected from amongst Parliament's MP's, were appointed by the King, the highest form of patronage in the nation being appointment as the King's First Minister.³³⁷ However, candidates seeking election in a given constituency, regardless of whether they had the money to buy a seat had to seek the vote of their borough's electorate. The franchise was generally only conferred on large landowners, which meant that in any given borough there were only a limited number of eligible voters, as few as one and as many as several thousand depending on the location. Although outright bribery of voters by parliamentary candidates seldom occurred, MP's were expected to provide gifts to their boroughs upon election in the form of public works, charity, or "treating the electors" in order to secure their nominations and votes.³³⁸ MP's who aspired to become ministers had to constantly curry favour with government patrons in the ministry at the same time as satisfying the electors of their boroughs.³³⁹

Patronage trickled down from the level of Parliament into other aspects of civil society. The British aristocracy sought offices in pursuits considered worthy of a 'gentleman' which were closely connected with politics, such as the Army, Navy, Justice, Church, and the Patent

³³⁶ Thus, the ability to vote at elections was seen as a property right in Hanoverian Britain. L. Namier, The Structure of Politics at the Accession of George III, pp.16-17.

³³⁷ R. Pares, King George III and the Politicians, p.79.

³³⁸ H.T. Dickinson, The Politics of the People, p.17-20.

³³⁹ L. Namier, p.138.

Offices.³⁴⁰ The branches of the ministry responsible for the administrative departments of these state organizations controlled seats in the House of Commons. For example, the Treasury and Admiralty controlled thirty seats combined.³⁴¹ Because senior government posts and parliamentary seats cost their bearers money, many MP's and Ministers received patent offices to provide them with revenue after, or even during their posts. These provided them with pensions, and allowed leading men to recover for their children some of the money they spent on political life, especially for those who received a peerage.³⁴² Landowners who had served the nation either on the battlefield or in the House of Commons could request the King and Privy Council to ennoble them, thereby granting them an aristocratic title (such as Duke or Lord) which could be passed on to their sons along with their offices.³⁴³ The patent offices were granted for life, and many were of so little importance that they could be managed by a poorly paid deputy in place of the office holder. Some historians, such as Lewis Namier, have charged that the frivolous nature of many of the patent offices helped foster an irresponsible attitude towards making appointments in them.³⁴⁴ Patronage was so pervasive in British society that jobs within charitable and civic organizations could be dispensed as patronage to friends of the person or corporation in charge of them, and even some artisans and craftsmen tried to cultivate royal and aristocratic favour to create rich new markets for their wares.³⁴⁵

Patronage was engaged in, quite simply, in the hopes of gaining greater wealth and influence for oneself. Lewis Namier has observed that in the eighteenth century the motives for engaging in patronage, once seen as a vehicle through which noblemen could serve their country, gradually changed to the service of one's self and his friends.³⁴⁶ By the 1750s there was a greater demand for patronage offices for the sons of noblemen, fuelled by population growth; and at the same time there was a concentration of patronage in the hands of the Whigs, by then the dominant political party in Britain.³⁴⁷ Men who accepted patronage offices often asked for

³⁴⁰ R. Pares, King George III and the Politicians, p.16-17.

³⁴¹ L. Namier, The Structure of Politics at the Accession of George III, pp.142-143.

³⁴² R. Pares, p.28-29.

³⁴³ *Ibid*, p.35-36.

³⁴⁴ P. Haffenden, Colonial Appointments and Patronage Under the Duke of Newcastle, 1724-1739, The English Historical Review, 1963, LXXVIII, pp. 427-428.

³⁴⁵ J. Brewer, The Birth of a Consumer Society: The Commercialization of Eighteenth-Century England, pp.71-72 & 227.

³⁴⁶ L. Namier, p.18.

³⁴⁷ P. Langford, Public Life and the Propertied Englishman, 1689-1798, p.531-533.

favours for their family members or friends either in the form of financial support or with the gift of an office.³⁴⁸

An inevitable result of patronage under these conditions was a great deal of corruption in all levels of British civil administration. As already noted MP's and ministers, who weren't entitled to pensions per se, often collected salaries for offices easily performed by deputies, such as Grooms of the Bedchamber, Keeper's of the Records of His Majesties Tennis Courts, and many others. In some cases certain ministers even collected salaries for more than one of these offices simultaneously.³⁴⁹ The justice system in Britain was also notoriously corrupt. By the eighteenth century, the once common practices of giving gifts to justices had ceased. However, Judges still continued to give advice to private litigants, and they controlled large patronage networks in their courts and profited directly from fees. Chief justices routinely appointed their immediate family members to the immensely profitable leading clerkships in the courts, the duties of which were often performed by deputies.³⁵⁰ From the outset of the eighteenth century, accusations that the ruling oligarchies who dominated most town corporations were exceeding their authority and ignoring the interests of freemen became commonplace.³⁵¹ Even minor officials in the Board of Trade, following the example of the secretaries of state, built up personal followings in America and sought places and profit for themselves and their friends in the form of military postings in the Americas.³⁵²

In many of the American colonies, especially those with royal charters, patronage of the most important colonial offices was mainly controlled by the Ministry rather than the governor of the province. Many of the British office seekers who filled these colonial posts were self-interested, much like the Board of Trade appointees outlined in chapter one.³⁵³ It has been pointed out, however, that the quality of the colonial governors improved greatly in the age of Walpole, because of stricter guidelines imposed by the Board. Although many appointed governors were born in the colonies, the most important colonial posts such as Collectors of Customs, Vice-Admiralty Judgeships, and the colony's Secretary, were reserved for British born

³⁴⁸ L. Namier, *The Structure of Politics at the Accession of George III*, p.23.

³⁴⁹ *Ibid.*, p.186-187.

³⁵⁰ D. Hay, "Origins: The Courts of Westminster Hall in the Eighteenth Century," in *Supreme Court of Nova Scotia, 1754-2004*, p.23.

³⁵¹ H.T. Dickinson, *The Politics of the People*, p.116.

³⁵² J. Henretta, "*Salutary Neglect*", p.140-141.

³⁵³ R. Middleton, *Colonial America: a History, 1565-1776*, p.357.

men and appointed by the Secretary of State.³⁵⁴ Jack Greene has observed that by removing most of the patronage available to provincial governors and appointing place seekers from Britain, British administrators unwittingly greatly weakened the executive authority within the colony. By the middle of the eighteenth century crown officials began appointing British placemen to Executive Council seats in some colonies as well, posts which had previously been reserved for influential colonials. Deprived of the power to reward merit with lucrative government posts and the political status that accompanies it, most governors chose to avoid disputes with the assemblies and cooperate with the dominant political factions in their colony.³⁵⁵ Despite Whitehall's control over the majority of colonial patronage, it did not offer any great degree of political control over the colonies. The patronage networks in the colonies simply were not deep enough. When the Duke of Newcastle was made Secretary of State of the Southern Department in 1728, there were only about 40 colonial posts in his gift. When Newcastle left this post in 1748, the number of offices had only increased to 85,³⁵⁶ and in 1752 shortly after the Duke of Bedford resigned as Secretary there were just under 100.³⁵⁷ Lord Halifax, who gained greater powers over patronage for the Board in the 1750s, continued the patronage policies of his predecessors, and sought to centralize American patronage by removing still further the limited patronage powers of the colonial governors.³⁵⁸ Furthermore, the majority of the colonial assemblies were far from helpless. In many colonies they controlled the patronage of certain posts as well, the most important of which was the colony's Treasurer who controlled the administration's finances.³⁵⁹ In this three way struggle over patronage powers between British politicians, royal governors and colonial assemblies, the governors often came out the clear losers.

Because patronage in the colonies was much more limited in nature than it was in Britain, and many colonial governors lacked patronage powers, the perception of Ministerial corruption in the colonies was less prevalent. This does not mean, however, that colonials did not worry about patronage and corruption.³⁶⁰ Jack Greene observes that in Virginia under the governorship of William Gooch, who had virtually no patronage at his disposal, the colony experienced a long

³⁵⁴ R. Middleton, *Colonial America*, pp.358-359.

³⁵⁵ J.P. Greene, *Negotiated Authorities*, p.68-69.

³⁵⁶ J. Henretta, "Salutary Neglect", p.14 & 220.

³⁵⁷ J.P. Greene, *Negotiated Authorities*, p.87.

³⁵⁸ J. Henretta, p.315-317.

³⁵⁹ *Ibid*, p.244-245.

³⁶⁰ J.P. Greene, *Negotiated Authorities*, p.155-156.

period of stable government. This was partly due to the fact that Gooch was forced to cooperate closely with the local elites and sparingly exercised his prerogative powers. By contrast, Governor Benning Wentworth of New Hampshire established a powerful patronage network in the 1750s for his disposal, and the perception of widespread administrative corruption there was strong. Wentworth is not the only example of political corruption in the American colonies. William Shirley's Massachusetts, Governor James De Lancey's New York in the 1740s and 50s, and proprietary Maryland developed powerful patronage machines as well.³⁶¹

The administrative situation in Nova Scotia in 1749 was fairly unique in comparison with the other American colonies. Having been newly established and having no locally born people among its British population, the entirety of its initial administration was either from Britain or New England. As noted previously Cornwallis was granted the power to appoint his first Executive Council shortly after landing at Chebucto without awaiting the Board's approval. Cornwallis initially appointed only seven members and appears to have filled out the remaining five members necessary to make twelve from among Mascarene's existing council. He also appeared to be careful to balance his initial appointments by choosing three military officers and four civilians.³⁶² While Hugh Davidson's origins are unclear, it would appear from the fact that he had enough influence to gain the posts of both Secretary and Treasurer that he must have come over from Britain with Cornwallis. Perhaps expecting greater reward for his services than the meager salary he collected in these posts, and feeling a sense of entitlement given that the holders of high government posts at home routinely profited from public money, Davidson appears to have set immediately to work crafting the means to supplement his income.³⁶³

Inconsistencies began to appear with Davidson's management of Nova Scotia's finances as early as March 1750. Christopher Hilby, the British agent for Nova Scotia, wrote to Davidson and chastised him for drawing bills upon the treasury of Nova Scotia for a shipment of medicine

³⁶¹ J.P. Greene, *Negotiated Authorities*, p.209-211.

³⁶² LAC, MG 11, CO 217, Nova Scotia "A," Original Correspondence, Cornwallis to Duke of Bedford, 23 July, 1749, Vol. 34, f.192.

³⁶³ Unfortunately, Cornwallis did not keep accurate records of the salaries he paid his civil officers. However, Governor Hopson's account of the expense of the civil establishment for 1753 showed that he paid his Secretary £182 per annum, and his Treasurer the same amount, or £364 p.a. for both combined. His total expenditure on the civil establishment for that year was £3.394. Cornwallis spent £1,466 in total on the pay of his civil officers for 1751, which may have reflected significantly lower salaries or simply that there were fewer civil officers at that time. Nova Scotia "A," Original Correspondence, Vol. 40, An Estimate of the Charges of Supporting and Maintaining Nova Scotia for the Year 1751, 19 February, 1751, f. 118; Vol. 52, Account of the Expense of the Civil Establishment, 12 March, 1753, f. 49.

he ordered from another British merchant, when he was supposed to deal exclusively with Hilby. As mentioned in the previous chapter, the Nova Scotia administration was only authorized to strike bills of credit on the Board of Trade, and Hilby reminded Davidson that striking bills on the Nova Scotia government could only be done with special permission from the Board. Hilby also informed Davidson that a large shipment of shoes, some of which were intended for the soldiers stationed in the province, had gone missing and the agents for the armed forces were refusing to pay him for their delivery. Hilby, who had already brought the issue to the Board, stated that they had heard a rumour Davidson was selling the shoes intended for the soldiers and settlers as part of their provisions, to whoever could pay 6 shillings a pair for them. Finally, Hilby accused Davidson of not informing anyone in Britain that the colony's first sawmill had failed, and instead had used the opportunity to order boards and planks from New England and then sell them at a profit.³⁶⁴ The fact that Davidson's deceitful financial activity was detected so quickly indicates that the Board of Trade and its agents were very serious about enforcing the fiscal responsibility which was expected from Nova Scotia's officers. As will be demonstrated, this sort of strict oversight and enforcement of the use of the colony's funding mirrors the model of John Brewer's fiscal military state much more clearly than it does James Henretta's model of salutary neglect, contrary to what many historians have been led to believe.³⁶⁵

A perturbed Lord Halifax began writing to Cornwallis a short time later to inquire into how Davidson could be allowed to get away with the shoddy bookkeeping he was using to mask his nefarious activities. Lord Halifax noted Davidson's negligence in not providing proper accounts or vouchers for his orders of provisions, and recapping the accusations made by Hilby on his improper bills called them an "insult offered by him to the Board." He went on to say that he had proof that Davidson had been engrossing and trading goods as a general merchant would, and ordered Cornwallis to put an immediate stop to it considering "what extreme inconveniences would arise if any man in publick office, especially one entrusted with publick money, should be permitted to trade." He then referred to Davidson's trading monopoly as a "scheme of oppression" which could "put an end to trade itself," informing Cornwallis that he had information that several merchants trading with Nova Scotia had declared that on account of

³⁶⁴ Nova Scotia "A," Original Correspondence, Vol. 36, Christopher Hilby to Hugh Davidson, 5 March, 1750, ff.83-88.

³⁶⁵ For more detail on Brewer's theory of the fiscal military state in Britain, see J. Brewer, The Sinews of Power: War, Money, and the English State, 1688-1783.

Davidson's scheme they would never go there again. It seems that the Board had also received evidence that Davidson had procured physical money from New York for a large premium, forced merchants desirous of bills of credit for Nova Scotia's purchases to take their payments in money, and then repurchased more money from New York for the same premiums, resulting in a constant scarcity of specie. Any merchants who insisted on bills of credit were forced to pay Davidson a premium. It seems likely that Davidson had worked out a deal with his New York contacts where they charged him a large premium for physical money and they were to split the profit once the province's bills were paid out of the parliamentary grant. Lord Halifax also intimated that he had further evidence that Davidson and an associate were engaged in monopolizing the colony's liquor trade. He ordered that Davidson immediately provide accounts of his activities to Cornwallis to be transmitted for review by the Board of Trade.³⁶⁶ This close management of the Nova Scotia Treasury by the Board of Trade contrasts sharply with the relative financial autonomy enjoyed by the other British Atlantic colonies at this time.

Although the previous letter was written in June 1750, Lord Halifax had already written to Cornwallis in March to inform him they were suspicious of Davidson, but would investigate before commenting on it further. Davidson, who had been shown the contents of the March letter by Cornwallis, used the opportunity to proclaim his innocence to the Board, and even ignorance of proper bookkeeping as he was "neither bred to public offices nor indeed to business." Predictably, he claimed he may have made errors in bookkeeping but had never engaged in trading.³⁶⁷ In another letter written shortly after Davidson seemed to have no trouble with numbers. He explained that the reason it was so difficult to obtain specie was because American merchants did not have confidence in Nova Scotia bills, and that there was a shortage of specie in the northern colonies to begin with. "Merchants that could supplie 50,000 £ value in stores cannot raise 5,000 £ St. in cash," Davidson claimed, and that "no merchant here could advance the quantity of dollars as was wanted last year, viz. about 15,000 £ St." While merchants were always ready to "give the government credit for stores," they would not send physical money for a premium of less than 5%. He claimed that it was because of this expense in obtaining money

³⁶⁶ Nova Scotia "A," Original Correspondence, Vol. 37, Lord Halifax to Cornwallis, 14 June, 1750, ff.162-181.

³⁶⁷ Nova Scotia "A," Original Correspondence, Vol. 37, Davidson to Lord Dupplin, 16 June, 1750, ff.198-203.

that he had gone to other merchants besides Hilby in order to secure better prices for goods and higher rates of exchange for his bills of credit.³⁶⁸

Cornwallis came to Davidson's defense more than once. Cornwallis confirmed that an elite group of merchants at Boston had demanded a 5% premium not just on the purchase of specie, but on credit for stores as well. In addition, they had insisted the province's accounts be subject to audit every three to six months, and that the exchange on bills of credit would be determined by merchants appointed to the task in Boston. Furthermore, there were no other merchants in the northern colonies who could possibly provide the amount of specie to meet the needs of the province. As a final stipulation, Hancock & Apthorp, the Boston merchant company whom Davidson was sent to speak with, told Davidson they would only accept Nova Scotia's business if his administration dealt exclusively with them, a contract which Cornwallis and the Executive Council refused. This necessitated that Davidson, Cornwallis claimed, search out other merchants to provide for the colonies needs, as the expense of purchasing supplies from Boston had already nearly drained the funds from that year's parliamentary grant.³⁶⁹ Cornwallis also refuted a previous allegation made by Lord Halifax that Davidson was known to have three persons in the colony in his employ and to have goods stored at several warehouses. The only warehouse that existed in the colony, Cornwallis claimed, was one built by a half pay officer named Mr. Calender (whom the Board of Trade had implicated as one of Davidson's associates in his illegal rum trade), and that this had been used primarily as a church. He also disputed the suggestion that Davidson was deliberately paying a large premium for dollars in New York, or that he was charging any premiums for bills of credit.³⁷⁰ That there was corruption within the Cornwallis administration is probable; Davidson would certainly not be the last person holding a government post in Nova Scotia's early history to be accused or suspected of corruption. The Board of Trade was unswayed by Cornwallis's defense of Davidson, and had him recalled to London to make an appearance before the Board of Trade to answer the charges against him. The Board found Davidson guilty of improper bookkeeping and fraudulent activity, and he was subsequently dismissed from the service of the crown.

³⁶⁸ Nova Scotia "A," Original Correspondence, Vol. 37, Davidson to Lord Dupplin, 22 June, 1750, ff.238-242.

³⁶⁹ Nova Scotia "A," Original Correspondence, Vol. 38, Cornwallis to Board of Trade, 10 July, 1750, ff.22-26.

³⁷⁰ Nova Scotia "A," Original Correspondence, Vol. 38, Cornwallis to Board of Trade,, 16 September, 1750, ff.209-210.

A few general observations can be made about the Davidson affair. The fact that Davidson was rooted out so quickly is a clear indication of both the Board's intention to keep the colony's finances under their strict control, and that the mechanisms put in place by the Board to centralize control over the colonies were effective. It is quite possible that Lord Halifax's initiatives to improve communications with the colonies led to the early detection of the corruption occurring in Nova Scotia's administration and Davidson's timely removal.

Lord Halifax indicated in December 1750 in the Board of Trade Journals that it was Cornwallis's intention to separate the offices of Secretary and Treasurer to prevent similar problems in the future.³⁷¹ It is probable that in light of the circumstances the Board of Trade concluded that the combination of these offices was too much power concentrated in the hands of one person. It speaks volumes that Cornwallis had categorical power to separate offices in his government once they were established, though the lack of qualified people amongst the population of the early colony would have necessitated the combination of some administrative offices. Jack Greene has documented a case in Virginia where Robert Dinwiddie, Lieutenant Governor from 1752 to 1758, engaged in a campaign to have the offices of the Speaker and Treasurer, traditionally a combined office in the colony, separated in order to break the power of the incumbent John Robinson. Robinson had been suspected of abuse of his power and improper use of public funds and after a disagreement with him over a minor issue, Dinwiddie attempted to recruit the Board of Trade's help to force the Virginia assembly to separate the two offices. Robinson, who controlled the House of Burgesses, the colony's leading elite family, successfully blocked Dinwiddie's efforts, which he continued even after stepping down as Lieutenant Governor. Francis Fauquier, who succeeded Dinwiddie as governor in 1758, argued to the Board of Trade that continuing to try to separate the offices would not foster a cooperative policy between the colony's assembly and the crown, especially during a time of war, and actively worked with the colony's elites to ensure that no such change could be forced upon it.³⁷² The well-established political tradition in Virginia ensured that crown intervention in its administration was an extremely difficult endeavour. In the case of Nova Scotia, no such tradition yet existed, as is well illustrated by Cornwallis's unimpeded ability to separate offices. Another consequence of the Davidson affair was that succeeding governor Peregrine Hopson's

³⁷¹ Nova Scotia "A," Original Correspondence, Vol. 39, Lord Halifax, the Board of Trade Journals, 18 December, 1750, ff. 235-236.

³⁷² J.P. Greene, Negotiated Authorities, p.319-327.

commission was changed so that any new appointments to the Executive Council, and indeed any other officers or ministers for the service of the government, required the approval of the Privy Council before they became effective.³⁷³

Lord Halifax also appears to have been careful to keep quiet the fact that Cornwallis had defended Davidson and denied any knowledge of his wrong doing. In fact throughout the Davidson affair both the Board and Lord Halifax assured Cornwallis that they did not question his personal integrity.³⁷⁴ Although there is no evidence to indicate that Cornwallis participated in Davidson's schemes, it is not beyond the realm of possibility that he did. Cornwallis was, after all, a military officer who was used to providing for his own living through his post like every other officer, as observed in chapter one. In the Board of Trade journals Lord Halifax stated "that Cornwallis declared to him that if Mr. Davidson returned he should never entrust him with publick money," a claim not substantiated in the correspondence.³⁷⁵ Halifax likely covered up Cornwallis's objections to Davidson's treatment because it would have been much easier to explain to the Ministry and Parliament that an errant Council member was responsible for the corruption in the Nova Scotia administration, than to imply that Cornwallis was also responsible and possibly jeopardize the Nova Scotia project. The knowledge that the Duke of Bedford and the Board of Trade had endorsed a governor who was pilfering money from the public purse would likely have angered both Parliament and the Ministry, and endangered Lord Halifax's bid to gain greater powers for the Board of Trade.

As mentioned in the previous chapter, the very fact that Nova Scotia was established as a publicly funded colony meant that Parliament and the Board of Trade expected full control over how those funds would be spent by the Nova Scotia administration. In true bureaucratic fashion, Parliament and the Board of Trade chose a set budget as the price for developing the fledgling colony, a budget that fell far short of its needs. Despite the fact that the members of the Board of Trade were considered experts on colonial issues in British politics, and the Secretary of State for the Southern Department was expected to be an expert, this was not necessarily the case. The historian Trevor Burnard has charged that the leading Whig oligarchical families, including the Pelhams and the Russells, were no more interested in the Atlantic world than was the Hanoverian

³⁷³ Nova Scotia "A," Original Correspondence, Vol. 47, Board of Trade to the Lords Justices, 23 April, 1752, ff.33-35; and Vol.46, Board of Trade to George II, 18 March, 1752, f.169.

³⁷⁴ Nova Scotia "A", Original Correspondence, Board of Trade to Cornwallis, 2 April, 1750, f.175.

³⁷⁵ Nova Scotia "A," Original Correspondence, Vol. 39, Lord Halifax, the Board of Trade Journals, 18 December, 1750, ff. 236.

Royal family. In light of the evidence presented in this research this is something of an overstatement. It is true that few prominent Britons ever travelled to the Americas to gain firsthand knowledge of colonial society, but it would be difficult to argue that leading men such as the Duke of Newcastle, the Duke of Bedford, and Lord Halifax had no interest in the colonies. Rather it is a question of their ignorance of the colonies which informed their policies.³⁷⁶ For his part, Lord Halifax was once described by a North American governor in the following terms: “...the opinion that he has knowledge in American affairs, and is diligent in the management of them, the first arises from the superlative ignorance of his fellow ministers, and the latter from a deal of bustle and stir about things of little consequence, made without judgment, without any plan or system and without understanding enough to form one.”³⁷⁷

Parliament initially allotted £40,000 per annum to cover the expenses of establishing and maintaining the settlement at Halifax, although this amount varied significantly in its first decade.³⁷⁸ The Board of Trade had hoped that with some British settlement and the creation of new townships, Nova Scotia could quickly become self sufficient and even produce surpluses of agricultural produce for export to the West Indies in a matter of a few years. There was tillable land in the province on the Isthmus of Chignecto, the Minas Basin and Annapolis valley, but in the southern regions of the province settlers encountered nothing better than poor soil and miles of forests. The less desirable industries of the fishery and timber trade were destined to be the mainstays of the economy along the south shores of the province. A certain degree of success in diversifying the Nova Scotia economy by developing its agricultural potential was only achieved by the British after the end of the Seven Years War in America in 1760, and only after the French had been forcibly removed from the best arable land.³⁷⁹ Poor relations with the Mi’kmaq complicated plans to introduce settlers into Nova Scotia’s fertile agricultural lands up until the end of the Seven Years War, and until 1758 settlement efforts in the province fell far short of expectations. It should be noted, however, that a small but significant population of New England planters, along with the Swiss and German settlers of Lunenburg, did exist in the

³⁷⁶ T. Burnard, “The British Atlantic,” in *Atlantic History: A Critical Appraisal*, p.115. Burnard is a proponent of the argument that Britain’s German possessions in the Holy Roman Empire remained at the heart of British foreign policy throughout the eighteenth century, despite the rising political importance of the Atlantic colonies.

³⁷⁷ P.J. Marshall, *The Making and Unmaking of Empires*, p.75.

³⁷⁸ Nova Scotia “A”, Original Correspondence, Halifax to Bedford, 9 March, 1750, ff.110-111.

³⁷⁹ E. Mancke, *The Fault Lines of Empire*, pp.37-41.

province before 1758.³⁸⁰ Before 1760, the province produced few exports, and served mainly as a base for British Navy ships engaged in trade protection.³⁸¹ In comparison the economy of Georgia, the other colony funded by parliamentary grants, fared much better despite experiencing similar levels of violence and warfare. Georgia developed a thriving agricultural economy early on, and found ready markets for its exports of indigo, rice and cotton before 1776.³⁸² Nova Scotia's economy was anemic in comparison, depending on public spending and the presence of naval and military forces for whom to provide services. As a result, a large number of settlers sought the first ship out of the colony as soon as their twelve months of government provisions ran out.³⁸³

Lord Halifax's hopes that the province could become settled and prosperous quickly and cheaply were dashed. In the first six months of the settlement's existence, its operating costs already exceeded the grant by £36,746. By the end of 1752 the sum expended on maintaining the province had already reached a staggering £336,404, a full £162,550 over budget.³⁸⁴ The issue of the exceedings of the grant became apparent as early as April 1750, when the Board of Trade reminded Cornwallis to be as frugal as possible in his use of the grant money.³⁸⁵ Cornwallis responded that unforeseen problems such as the failure of the sawmill, and the fact that the rum distributed to the troops and artisans of Halifax had to be imported for a lack of distilling and brewing facilities, were running up the colonies expenses. He also complained that the colony's credit with the other American colonies had been cut off due to the non-payment of the provinces bills by the British Treasury. Cornwallis pleaded that their credit be restored, and additional troops be sent to protect the settlement from incursions by the Mi'kmaq.³⁸⁶ Lord Halifax noted in his reply that Cornwallis's bills were not being paid because the Treasury had already been drained of the grant money for 1749, but that the province's creditors had just been paid out of the next grant and were satisfied enough to restore Nova Scotia's credit.³⁸⁷ He then chastised

³⁸⁰ J.G. Reid, Essays on Northeastern North America, pp.177-178. See also the essays in M. Conrad, Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800.

³⁸¹ J. Gwyn, Frigates and Foremasts, p.40.

³⁸² J. Gwyn, Excessive Expectations, p.41.

³⁸³ S.E. Patterson, "1744-1763, Colonial Wars and Aboriginal Peoples," p.128.

³⁸⁴ Nova Scotia "A," Original Correspondence, Vol. 50, Account of the Charges Incurr'd by Supporting and Maintaining His Majesty's Colony of Nova Scotia, 1749 to Christmas 1752, 9 February, 1753, f.25.

³⁸⁵ Nova Scotia "A," Original Correspondence, Vol. 36, Board of Trade to Cornwallis, 2 April, 1750, f.175.

³⁸⁶ Nova Scotia "A," Original Correspondence, Vol. 37, Cornwallis to the Board of Trade, 30 April, 1750, ff.277-282.

³⁸⁷ Nova Scotia "A," Original Correspondence, Vol. 37, Halifax to Cornwallis, 8 June, 1750, ff.141-142.

Cornwallis for being loose with the public funds, noting that the settlement “cannot be improved and perfected but by a continuance of (the) favour” of Parliament, which could only be kept “by bringing the expenses at all times within as narrow bounds as the circumstances of your government will admit.” Making a note of the Board’s suspicions about Davidson’s misconduct, Lord Halifax observed that Cornwallis had been drawing his bills in a loose and irregular manner, “often without advice to the agent, always without advice to the Board, and without specifying the services” so that the agent could not account to the exchequer for “every farthing of the money which he pays upon your draughts.” Lord Halifax asked that Cornwallis establish duties on rum imported into the province to help offset the government debt, and even inquired as to why he had ordered large quantities of baked bread from New England for the use of the settlers rather than flour as he was supposed to.³⁸⁸ Once again, this hypercritical administrative oversight by Lord Halifax demonstrates that Nova Scotia was anything but neglected by the Board of Trade.

Cornwallis replied that he would be more diligent in the future in keeping accounts of his expenditures, and send copies to the Board of Trade twice a year. On other financial issues he was less polite. He contended that he had not been instructed to use any particular method in drawing his bills of credit or when he was to stop drawing upon the agent for them. Cornwallis apologized for exceeding the grant for 1750, but failing to do so would put a complete halt to all public works in the colony. He noted in particular that a strong fort was desperately needed in the Chignecto if settlement was to be secured in those valuable lands. The Chignecto was “so infested with Indians, that without guards it would be dangerous to go into the woods for material or firewood.”³⁸⁹ The bread he had purchased was necessary, he claimed, for the obvious reason that since the settlement of Halifax was so young there were only a few ovens available to bake with.³⁹⁰

Lord Halifax’s replies became increasingly combative from this point forward. In a letter to Cornwallis in March 1751, he repeated his demands that the governor provide proper accounts and stay within his budget as “more arrears would disgust parliament,” and urged Cornwallis to make any reasonable reductions he could in the civil or military budget to save money for the good of the British nation. Lord Halifax even went so far as to suggest Cornwallis’s

³⁸⁸ Nova Scotia “A,” Original Correspondence, Vol. 37, Halifax to Cornwallis, 14 June, 1750, ff.161-178.

³⁸⁹ Nova Scotia “A,” Original Correspondence, Vol. 38, Cornwallis to the Board of Trade, 10 July, 1750, ff.18-28.

³⁹⁰ Nova Scotia “A,” Original Correspondence, Vol. 38, Cornwallis to Board of Trade, 16 September, 1750, f.210.

mismanagement of the grant and straining the colonies credit encouraged merchants in the northern colonies to take advantage of his administration by demanding exorbitant rates. Having already had three forts constructed in the Chignecto, Pisiquid and Minas, Lord Halifax insisted that Cornwallis build an intended fort at Cobequid gradually, and indeed any future public works, in order to stay within budget. Lord Halifax was also insulted at the suggestion that the Board had not informed Cornwallis of the proper method for drawing his bills. He insisted that they had from the outset, and that “we never omit anything in our correspondence which we think can be for your information or for the service of the colony,” and that the Board asked him to correct his mistake at the earliest opportunity.³⁹¹ This is not quite true, although the gubernatorial instructions had specified that bills of credit were only to be drawn on the Board; no other details are evident in the correspondence on the manner by which Cornwallis was to draw his bills.

The war with the Mi'kmaq, which necessitated Cornwallis's fortifications, was a major contributing factor to the financial woes of Cornwallis's administration, and contributed to bankrupting the colony by the end of 1751, as outlined in chapter two.³⁹² In April 1750 the board had given full support to Cornwallis in his campaign against the Mi'kmaq, telling him that it was good policy to “awe them into obedience.”³⁹³ By the end of 1751 the Board had changed its tune, informing Cornwallis that “peace with the Indians... will not only be the best justification of past measures and exceedings... but be the likeliest means of retrenching future expenses.”³⁹⁴ Cornwallis's successor, Peregrine Hopson, was more successful at maintaining peace with the province's Aboriginals, and ran afoul of the Board far less often.³⁹⁵

Cornwallis, for his part, had already grown tired of Lord Halifax's misinformed micromanagement and penny pinching. Cornwallis's spending on forts in the province was not in line with the Board of Trade's priority of establishing new settlements, but he felt more than justified in going to the expense of increasing the security of the colony before attempting any new settlement. He informed Lord Halifax that since building the fortress at Chignecto the

³⁹¹ Nova Scotia “A,” Original Correspondence, Vol. 41, Halifax to Cornwallis, 22 March, 1751, ff.40-63.

³⁹² J. Grenier, *The Far Reaches of Empire*, p.162.

³⁹³ Nova Scotia “A,” Original Correspondence, Vol. 33, Board of Trade to Cornwallis, 2 April, 1750, f.181.

³⁹⁴ Nova Scotia “A,” Original Correspondence, Vol. 46, Board of Trade to Cornwallis, 6 March, 1752, ff.140-141.

³⁹⁵ J. Grenier, p.164.

Mi'kmaq raids on Halifax had ceased.³⁹⁶ This did not mean, however, that the rest of the province was secure enough to support British settlement. As pleased Lord Halifax had ordered Cornwallis to begin distributing land in the Chignecto to settlers so they may begin clearing lands for agriculture upon hearing news of this success.³⁹⁷ Cornwallis disagreed with the logic of sending out settlers to the rest of the province and that the grant should be spent on public works instead. Nobody would risk settling lands where they would be “exposed to the cruelties of the French and Indians,” and that “a thousand regular troops would sooner essentially settle the province than three thousand settlers... and not at greater expense.” Bringing more settlers into the province during a time of open warfare with the Aborigines was far from a wise idea. Cornwallis advised Lord Halifax that being constricted to a tight budget under these circumstances left him in a dilemma where he was “distracted between the savings on the one side, and the loss of the province on the other side.”³⁹⁸ Tired of dealing exclusively with the Board, Cornwallis wrote directly to the Duke of Bedford to make his case for an increased military presence in the province. Cornwallis argued that it was unjust that the three forts he had built in Nova Scotia should be funded out of the grant, when it was an expense that should properly have been charged to the Board of Ordinance. Furthermore, he pointed out that he was empowered by his instructions to take any measures necessary to provide security against the Aborigines, and that he had sent proper plans and estimates to the Board of Trade for each work, including the fortifications of Halifax. Citing health reasons, Cornwallis asked Bedford to tender his resignation as governor with the Privy Council, though it seems more likely the real reason was his frustration with Lord Halifax.³⁹⁹

Lord Halifax and the Board, pigheaded as ever, were unconvinced by Cornwallis's arguments and wrote one last hostile letter in March 1752 accusing him once more of poor record keeping and mismanagement of the province's funds. They renewed accusations of corruption in his administration, stating they had evidence that officers of his government were profiting from illegal practices in distributing the settler's rations. Defying logic, they also repeated their earlier orders that the expense of all public works must be kept within the grant,

³⁹⁶ Nova Scotia “A,” Original Correspondence, Vol. 39, Cornwallis to the Board of Trade, 24 November, 1750, f.176.

³⁹⁷ Nova Scotia “A,” Original Correspondence, Halifax to Cornwallis, 22 March, 1751, ff.60-61.

³⁹⁸ Nova Scotia “A,” Original Correspondence, Vol. 42, Cornwallis to the Board of Trade, 24 June, 1751, ff.190-192.

³⁹⁹ Nova Scotia “A,” Original Correspondence, Vol. 43, Cornwallis to the Duke of Bedford, 1 September, 1751, f.55-57.

and requested once more that he begin the process of creating new settlements rather than building forts. A postscript to this letter written by Lord Halifax is instructive of the continuing financial issues of the colony. The Board noted that before they had a chance to send Cornwallis the letter, they had received word from the Treasury that he had already exceeded the year's parliamentary grant by £2,000, without offering an explanation as to why this was necessary. An exasperated Lord Halifax wrote that "it is impossible for us to express our astonishment at so large a demand coming so early, and so unexpected," and articulated his disappointment that Cornwallis's management led to yet another year of exceedings.⁴⁰⁰ Lord Halifax's grumbling over amounts of money as small as £2,000 here and there demonstrates that while the Board of Trade was committed to building empire, they were also dedicated to maintaining that empire on the cheap, regardless of how realistic that expectation may have been.

The province's accounts became much more exact and particular after Cornwallis's successor Hopson took over. Moreover, Hopson was much more pliable to the Board's wishes, recording every minutia of his administration's financial activities. After Cornwallis's departure, however, the Board of Trade's micromanagement of the province's finances continued. For example, the Board harangued Cornwallis and both of his successors about the issue of purchasing firewood. The Board did not accept Cornwallis's explanation that it was dangerous to go into the woods to collect firewood because of the Mi'kmaq, and that it was not practical to send parties of soldiers for that purpose. However, they agreed to allow firewood to be purchased for the garrisons from out of province if done in the most frugal manner.⁴⁰¹ Shortly after Hopson took over as governor, the Board expressed to him that "the furnishing Fire Wood to the different garrisons in a Country where wood is an incumbrance appears to us very extraordinary," and asked that soldiers of the garrisons be put on firewood cutting details.⁴⁰² Hopson replied that in Halifax the soldiers were far too busy with their regular duties to gather firewood, and in all the forts of the province the wood was far away from the garrisons, therefore sending out large details for these sorts of duties would leave them vulnerable. Hopson also noted that in Halifax most of the lands around the settlement had already been granted and the settlers were selling any wood they cut to the continent, and would not allow soldiers to cut any without paying for

⁴⁰⁰ Nova Scotia "A," Original Correspondence, Vol. 46, Board of Trade to Cornwallis, 6 March, 1752, ff.109-164.

⁴⁰¹ *Ibid.*, ff.133-134.

⁴⁰² Nova Scotia "A," Original Correspondence, Vol. 49, Board of Trade to Hopson, 22 December, 1752, ff.96-97.

it.⁴⁰³ After Charles Lawrence's accession as governor in 1754, the Board wrote asking him why it was possible for the settlers at Lunenburg to export firewood to Boston for two shillings a cord, when the administration at Halifax was having it shipped in from New England for twelve shillings a cord. The Board suggested it would be much cheaper for Lawrence to have his firewood shipped in from Lunenburg, even if it cost him 4 shillings a cord.⁴⁰⁴ Lawrence responded that the price of firewood had risen drastically in recent months because the labourers who were cutting it were now employed in the public works. Shipping firewood in from Lunenburg, he contended, was just as expensive as purchasing it from New England because it used up so much space in a transport vessel that they were required to make special trips to deliver it, and took a great deal of time to process and load onto a ship. Lawrence suggested it would save money to import coal from the Bay of Fundy, most likely obtained from Cape Breton via the French, something the Board had not permitted previous governors to do for obvious reasons. Lawrence believed, however, that this was the only means available to reduce the expense of fuel in Halifax.⁴⁰⁵

The Board of Trade's financial demands on the administration at Halifax seem at first glance rather unreasonable. In light of the fact that they were under pressure from a Parliament dedicated to austerity to reduce the national debt, however, their anxiety is understandable. After his resignation as Secretary of State for the Southern Department the Duke of Bedford, angered with the intrigues against him engineered by the Duke of Newcastle to force him to resign, led a political faction which demanded at the end of 1752 that Nova Scotia's accounts be laid before the House of Commons for scrutiny.⁴⁰⁶ Further spending on the defense of the province, Bedford argued, should not be paid out until its runaway budget was brought under control.⁴⁰⁷ After the defeat of Fort Beausejoir in 1755, Lord Barrington praised Nova Scotia, Lord Halifax, and Cornwallis in the House of Commons for their valuable work in establishing the British colony

⁴⁰³ Nova Scotia "A," Original Correspondence, Vol. 54, Hopson to the Board of Trade, 23 July 1753, ff.69-70.

⁴⁰⁴ Nova Scotia "A," Original Correspondence, Vol. 56, Board of Trade to Charles Lawrence, 29 October, 1753, ff.84-86.

⁴⁰⁵ Nova Scotia "A," Original Correspondence, Vol. 58, Lawrence to the Board of Trade, 18 October, 1753, ff.115-119.

⁴⁰⁶ On these issues of ministerial factional infighting and tensions which occurred throughout the 1750s see R. Connors, *Pelham, Parliament and Public Policy, 1746-1754*, pp.122-173.

⁴⁰⁷ H. Walpole, *Memoirs of King George II*, Vol.1, pp.123, 147 & 169. The Duke of Bedford opposed additional spending on Nova Scotia after his resignation in July 1751, mainly due to his anger with the Newcastle ministry. For more background on Bedford's resignation and his subsequent battles with the Ministry in the House of Commons, see volume one of this work.

there. But this was little consolation for the colony's immense costs.⁴⁰⁸ The fiscal scrutiny of Nova Scotia evident in 1752 continued for decades. Voicing Parliament's "disgust" with Nova Scotia's hemorrhaging treasury, MP Edmund Burke said in the House of Commons in 1780 "Sir, this has stood us in a sum of not less than £700,000. To this day it has made no repayment. It does not even support those offices of expence, which are miscalled its government; the whole of that job still lies upon the patient, callous shoulders of the people of England."⁴⁰⁹ In light of Parliament's reluctance to support a marginal colony like Nova Scotia, the Board of Trade was undoubtedly worried that a continuance of the shocking budgetary excesses in its first three years would lead to the discontinuance of Lord Halifax's pet project. On the other hand, Cornwallis's complaints that the Board of Trade's stinginess endangered the colony's existence were legitimate as well. Despite this no-win situation, the Board would ultimately get its way by insisting Cornwallis obey his instructions, frustrated him into resigning, and then replaced him with a much more malleable governor in Hopson.

The freeholders of Halifax and the fight for the 'birth-right of Englishmen'

The Board of Trade was highly successful at harnessing the administration of Nova Scotia to establish centralized political control of the colony. In fact, it could be argued that their methods were too successful. As explained in chapter two, the colony lacked settlers who were qualified to sit in a legislative assembly at the time of first landing, which was mandated by the governor's instructions to be called as soon as circumstances permitted. From June 1749 to October 1758, the colony was administrated exclusively by the governor and his Executive Council, precluding elected representation for the settlers of the colony. The Board of Trade supported strong executive authority in Nova Scotia, but felt after receiving increasingly insistent complaints from the growing merchant community of Halifax that the continuation of this form of government was unacceptable and detrimental to the province's economic independence. The Board of Trade had given too much power to the governor and Executive Council and found itself in the position of having to force Governor Lawrence to claw back his own authority.

⁴⁰⁸ R.C. Simmons and P.D.G. Thomas, Proceedings and Debates of the British Parliaments Respecting North America, 1754-1783, Vol. 1, p.110.

⁴⁰⁹ J. Gwyn, Excessive Expectations, p.28.

The maritime historian William MacNutt has argued that the merchants of Halifax campaign to force Lawrence to call an assembly was done strictly for self-interested reasons, “a scramble for pounds, shillings and pence,” namely over control of the distribution of the parliamentary grant.⁴¹⁰ It is interesting that despite the age of MacNutt’s article, his assertion has never been directly challenged or addressed. An examination of the sources reveals this to be a one dimensional argument. Indeed, struggles over legislative power were hardly unique to Nova Scotia. Elizabeth Mancke notes that the importance of representative government in the colonies had long been recognized, the seventeenth century charters of the East and West Jersey’s, Pennsylvania and the Carolinas had all made allowances for establishing legislative assemblies. The proprietors of these colonies, however, had all attempted to protect their wide governmental powers by delaying the calling of assemblies or granting them limited powers.⁴¹¹ Within Britain itself, there was a growing recognition throughout the eighteenth century that all men possessed positive political rights, as well as the rights of ‘freeborn Englishmen’ and the right to scrutinize the actions of those in power.⁴¹² Furthermore, by 1760 a century of commercial expansion had created towns with growing factions of moderately prosperous men, who developed opinions critical of the power and policies of the aristocratic elite.⁴¹³ These opinions quickly found their way to the colonials in America. Ian Steele has observed that even though the colonial administrative structure remained founded on crown authority, the increasing political legitimacy of the elected over “the anointed and appointed” was a major trend of the eighteenth century. The rise of the colonial assemblies was one manifestation of this change; the increasing power of the British Parliament, on the other hand, especially the King-in-Parliament of George III, was another.⁴¹⁴

During the Stamp Act crisis of 1765-66, colonial spokesmen put enormous stress upon the traditional conception of their assemblies as the primary guardians of both the individual

⁴¹⁰ W.S. MacNutt, “The Beginnings of Nova Scotia Politics, 1758-1766,” in The Canadian Historical Review, Vol. 16, 1935, p.42.

⁴¹¹ E. Mancke, “The Languages of Liberty in British North America, 1607-1776,” in Exclusionary Empire, p.40

⁴¹² See J. Brewer, Party Ideology and Popular Politics at the Accession of George III, pp.163-264; and P. Langford, Public Life and the Propertied Englishman, 1689-1798, pp.437-509.

⁴¹³ H.T. Dickinson, The Politics of the People, p.177 & 221.

⁴¹⁴ I.K. Steele, “The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689-1784,” p.105. For more on the increasing authority of British Parliament during this period, see the essays by I.K. Steele, “The British Parliament and the Atlantic Colonies to 1760,” and J.P. Greene, “Competing Authorities: The Debate over Parliamentary Imperial Jurisdiction, 1763-1776,” in P. Lawson, Parliament and the Atlantic Empire.

liberties of their constituents and the corporate rights of the colonies.⁴¹⁵ This constitutional interpretation was established throughout the seventeenth and eighteenth centuries in the content of the colonial charters. They were designed to demonstrate the King's 'paternal care for the security of the liberties and properties' of his subjects, by establishing assemblies similar to those in the existing colonies which would be called as soon as circumstances allowed.⁴¹⁶ In the case of Nova Scotia, the Board of Trade felt from the outset that representative government would be very beneficial towards encouraging settlement of the colony.⁴¹⁷ This did not happen for nine years, during this same period varying degrees of resistance and concern at the expansion of metropolitan influence in North America began to be expressed in the colonies. Elizabeth Mancke notes, for example, that many North American colonists were worried about the implications of Nova Scotia being governed without an assembly.⁴¹⁸

Simultaneously, centralized political control of the colonies was gaining increasing political importance for the authorities in Britain. Frank O'Gorman warns us that despite the influence and growth of democratic and republican thinking in eighteenth century Britain, in many ways the British state was just as authoritarian as any of the European states.⁴¹⁹ Nowhere was this more apparent than in Britain's administration of the colonies. After all, the very structure of colonial governments was shaped by war and imperial ambition. The provincial governor was a military functionary, the King's viceroy commissioned to command military forces. The elected assemblies were only ad hoc creations to secure vital military and financial support from the growing populations of the colony to protect the British Atlantic Empire.⁴²⁰ Without firm metropolitan control, the valuable North American colonies could fall into the hands of rival powers or confederate and challenge London's authority.⁴²¹ While necessary, the elected assemblies could not be allowed to dominate the colonial governments. The Board of Trade believed that the best model for new colonial constitutions created in the eighteenth century were the ones experimented with in the most recent royal colonies, Georgia and Nova Scotia. As demonstrated in chapter two, conscious attempts had been made in Nova Scotia to

⁴¹⁵ J.P. Greene, "Competing Authorities," p.49.

⁴¹⁶ P.J. Marshall, *The Making and Unmaking of Empire*, p.280.

⁴¹⁷ E. Mancke, *The Fault Lines of the Empire*, p.12.

⁴¹⁸ E. Mancke, "Negotiating an Empire: Britain and its Overseas Peripheries, c.1550-1780," p.257.

⁴¹⁹ F. O'Gorman, *The Long Eighteenth Century*, p.171.

⁴²⁰ I.K. Steele, "Governance of the British Empire, 1689-1784," p.105.

⁴²¹ J.P. Greene, "Transatlantic Colonization and the Redefinition of Empire in the Early Modern Era: the British American Experience," in *Negotiated Empires*, p.268.

reproduce the political conditions which existed in Britain of a balanced constitution with a strong executive. The examples of these two colonies would be found ‘in every respect most advantageous to the state in general and the most eligible to those who live under it.’⁴²² The Board of Trade and the Ministry were not the only ones who thought so. Lord Egremont, Secretary of State in 1763, received a pamphlet entitled ‘Hints’ probably written by Henry Ellis, a former governor of Georgia. ‘Hints’ urged that the model of the newest of the existing colonies, Georgia and Nova Scotia, should be adopted, as being ‘freest from a Republican mixture and most comfortable to the British constitution.’⁴²³

Because of the large number of immigrants from New England, it was inevitable that in the early years of Halifax the civilian mentality ran deep, despite its paramilitary appearance.⁴²⁴ Elizabeth Mancke mentions briefly, but in more than one of her works, that Governor Lawrence resisted the pressure exerted by a group of New England merchants who desired that an assembly be called, and that the Board of Trade ordered Lawrence to call one, which he finally did in October 1758. Mancke fails, however, to investigate the matter further.⁴²⁵ MacNutt’s explanation that the colony’s merchants simply wanted a bigger share of the parliamentary grant is not satisfactory either. So what were the issues presented by the merchants and settlers of Halifax to the Board of Trade which forced Lord Halifax to order an assembly be called?

The issues began in 1755 when the Board of Trade’s Secretary, Thomas Pownall, expressed concerns about the legislative authority of Nova Scotia’s Executive Council. Lawrence noted to the Board of Trade that under the colony’s present circumstances, being in a state of war, that it was impossible to call an assembly at this time. Furthermore, the powers of the Executive Council had previously “passed unquestioned in this colony,” and “what numberless inconveniences would attend the *collecting a set of people, such as are to be found in this province in that shape* (emphasis mine),” until the administration is “better prepared for it,” or a greater proportion of the settlers were in a position to pay taxes to support the provincial administration.⁴²⁶ Here, Lawrence seemed to be expressing the opinion that there were few in the colony at this time who were even qualified to sit on an assembly. Thomas Barnes observes that

⁴²² P.J. Marshall, *The Making and Unmaking of Empire*, p.165.

⁴²³ *Ibid*, p.280.

⁴²⁴ T.G. Barnes, “As Near as May be Agreeable to the Laws of this Kingdom,” p.6.

⁴²⁵ E. Mancke, “The Languages of Liberty in British North America, 1607-1776,” p.44; and E. Mancke, “Colonial and Imperial Contexts,” p.41. See also S.E. Patterson, “1744-1763, Colonial Wars and Aboriginal Peoples,” p.150.

⁴²⁶ Nova Scotia “A,” Original Correspondence, Vol. 57, Lawrence to the Board of Trade, 12 January, 1755, ff.14-15.

in 1750, Halifax's population was 5,000, swollen to such a number partly by the Swiss and German immigrants waiting to be dispatched to Merligash, the future site of the settlement of Lunenburg. By 1755, the population of Halifax had shrunk to 1,500, many of them newcomers and non-British, the majority of them still dependant on public maintenance from the parliamentary grant. The reluctance of the governor to trust a legislature to what must have appeared to be, and perhaps sometimes truly was a group of unruly rabble is understandable, especially considering that many of them were non-English and had not been raised as 'freeborn' Englishmen.⁴²⁷ Lawrence was also quick to observe to the Board of Trade that Virginia had been governed in the same manner in its early years, which was significant since Nova Scotia's gubernatorial instructions, and its court system, were modeled closely on those used in Virginia.⁴²⁸

Jonathon Belcher, the province's first Supreme Court Chief Justice appointed by the Privy Council in 1754, has been praised as Nova Scotia's early champion in the cause of opposing Lawrence's resistance to calling an assembly.⁴²⁹ Early in the controversy in 1755, however, Belcher appears to have supported Lawrence with arguments to the Board of Trade backing his assertions that calling an assembly at that time would be too problematic. Writing to Pownall in January 1755, Belcher held the opinion that the laws of the province, passed by the Governor and Executive Council, were "well warranted." Belcher also agreed with Lawrence's assessment that there were not enough "persons qualified for representatives either as freeholders or otherwise," and that it would be "not only impolitick but almost impracticable" to call an assembly under the circumstances. Interpreting the gubernatorial instructions for the Board, Belcher pointed out that, based upon them, the governor was not required to call an assembly until at least two townships had been settled with fifty families each. In the meantime, however, "one town consisting of a Thousand Families (namely Halifax) would require municipal laws for their good order and government." Restrained by the instructions from calling an assembly for one town only, and the power to make laws resting with the Governor and Council in the meantime, the assent of an assembly for laws becomes necessary only when it was expedient to call one. The instructions also had not specified the number of towns which needed to be settled

⁴²⁷ T.G. Barnes, "As Near as May be Agreeable to the Laws of this Kingdom," pp.18-19.

⁴²⁸ E. Mancke, *The Fault Lines of Empire*, p.12.

⁴²⁹ E. Mancke, "Colonial and Imperial Contexts," p.41; and B. Cahill and J. Phillips, "The Supreme Court of Nova Scotia: Origins to Confederation," in *The Supreme Court of Nova Scotia*, p.57-58.

with fifty families before it was required for the governor to convene an assembly, only that there needed to be at least two. Finally, Halifax was the only town containing fifty British families, and calling an assembly for a single town did not fall “within the letter or meaning of the instructions.”⁴³⁰

By October 1755 Belcher had changed his tune and presented a proposal to Lawrence for the convening of an assembly, which he was now convinced was necessary for the settlement of the province. The proposal suggested that in order to expedite the process of convening an assembly, that the electoral district must be created in one county, that of Halifax, in the manner of the knights of shire in England. The number of the assembly’s representatives should be limited to twelve, and property qualifications for voting could be established as soon as the assembly was convened.⁴³¹ Lawrence rebutted that calling an assembly in this manner would pose serious problems in the future, as having twelve assembly members in Halifax would mean that the interests of merchants would be represented over the interests of settlers in other parts of the province.⁴³² The Board of Trade countered, arguing that administrating and passing laws without an assembly “is an inconvenience and evil still greater” than any problems which may arise from convening one, and that “altho’ His Majesty’s subjects may have hitherto acquiesced in and submitted to the ordinances of the governor and council... that or any other reason can(not) justify the continuance of the exercise of an illegal authority.” The Board pointed out that while Virginia was governed in the same manner shortly after receiving its royal charter, their governors derived this power from their commissions, as was the case with many other colonies on first settlement, and that it was a power granted only for a short duration. The Board then told Lawrence that the first assembly could be convened on a temporary plan, and by no means set a precedent for future assemblies. Since the province currently lacked any landed interests or significant landowners, Lawrence would have no choice but to allow merchants in Halifax to sit in the first assembly. The Board asserted, however, that once the province was sufficiently settled a more representative assembly could be elected upon the expiry of the

⁴³⁰ Nova Scotia “A,” Original Correspondence, Vol. 57, Belcher to Pownall, 16 January, 1755, ff.52-64.

⁴³¹ Nova Scotia “A,” Original Correspondence, Vol. 58, Jonathon Belcher, a Proposal to Convene and Assembly, 24 October, 1755, ff.144.

⁴³² Nova Scotia “A,” Original Correspondence, Vol. 58, Lawrence to the Board of Trade, 8 December, 1755, ff.168-169.

original one. Furthermore, it would be up to the governor's discretion how many representatives would be in a reformed assembly.⁴³³

Lawrence was not done trying to refute the feasibility of Belcher's and the Board of Trade's arguments for an assembly. Quoting from Belcher's proposal at length, Lawrence noted that the governor's instructions required that on the first meeting of an assembly an act was to be passed to raise permanent revenue for defraying the costs of the province's government. Lawrence asserted that under the current circumstances "the least intimation" that the Halifax government intended to tax the settlers would "alarm" them and "tend to unpeople the colony." In light of this problem, the Halifax administration "hoped and presumed that they will not fall under the imputation of having exercised an illegal authority," by having continued to administrate the province without an assembly as they felt authorized to do by the instructions. The document also claimed that many of the merchants who had recently begun agitating for an assembly had since changed their minds due to the circumstances of the war. Additionally, Lawrence created the rather vague excuse that since they expected large number of settlers to enter the province soon to take over lands which once belonged to the Acadians, it was possible they would not appreciate having a full government elected for them before their arrival, especially if the Assembly was to sit for three years until another election as per Belcher's proposal. Lawrence had already raised concerns about electing merchants to an assembly since they did not have significant landed interests and "are not so nearly concerned in (the colony's) welfare and who may sometimes have views and interests incompatible with the measures it may be necessary to take" in a province threatened by the French by both land and sea.⁴³⁴ The Board had responded that while they understood Lawrence's concerns in this regard, he would have little choice but to allow merchants to be elected to the first assembly since there were so few landed interests in the province at that time.⁴³⁵ Furthermore, Lawrence argued to the Board that it had been established in Hopson's commission that it would be up to the governor's discretion

⁴³³ Nova Scotia "A," Original Correspondence, Vol. 59, Board of Trade to Lawrence, 25 March, 1756, ff.21-27.

⁴³⁴ Nova Scotia "A," Original Correspondence, Vol. 58, Lawrence to the Board of Trade, 8 December, 1755, ff.168-169.

⁴³⁵ Nova Scotia "A," Original Correspondence, Vol.59, Board of Trade to Lawrence, 25 March, 1756, ff.24-25. For more on the debate behind property qualifications for holding elected offices in eighteenth century Britain, see. P. Langford, Public Life and the Propertied Englishman, 1689-1798, pp.1-70.

when it would be a proper time to convene an assembly, which he clearly did not believe was yet upon the colony.⁴³⁶

Lawrence's excuses to delay the convening of an assembly grew paltrier as the Seven Years War began. In August 1756 Lawrence departed for New York for a meeting of the American royal governor's regarding the war, and told the Board that because of this and other important war business there was not time to call an assembly.⁴³⁷ The flustered Board members responded that they were no longer interested in his excuses, and ordered an end to Lawrence's "obstruction" in calling an assembly to prevent "embarrassment... to His Majesty's service."⁴³⁸ It was around this time that the Board of Trade was suddenly swamped with a barrage of complaints about Lawrence's government. A group of settlers and merchants in Halifax had organized a committee of freeholders with an agent in London to represent their interests.⁴³⁹ Lawrence would claim late in 1757 that this committee was composed primarily of merchants whose only aim was to increase their private advantage.⁴⁴⁰ There may be some truth to this assertion, and MacNutt's contention that many of the most flagrant accusations of abuse of power by Lawrence's administration were fabricated is probably correct. Whether the Freeholder's complaints were coordinated to attack Lawrence's executive power for personal gain is debatable. But what does become clear in examining the sources is that Lawrence, much like Davidson and Cornwallis, was deploying the colony's finances in an irresponsible manner.

Early in 1757 the complaints began as individual memorials to the Board of Trade complaining of violations of the colonist's rights perpetrated specifically by Lawrence or agents within the colony in his employ. One John Grant, a Halifax merchant, owned a wharf with a small house adjacent to it, built by the Governor's permission, which he had been renting for several years. Grant claimed that Lawrence had ordered the house torn down in late 1754 without his consent, and upon applying to the governor for redress his memorial was simply ignored.⁴⁴¹ Malachy Salter, a prominent Halifax merchant, had a similar complaint. Salter claimed that he owned a 150 acre property he had enclosed and had buildings erected upon for the purpose of

⁴³⁶ Nova Scotia "A," Original Correspondence, Vol. 60, Remarks Relative to the Convening an Assembly at Nova Scotia, August 1756, ff.112-123.

⁴³⁷ Nova Scotia "A," Original Correspondence, Vol.60, Lawrence to the Board of Trade, 5 August, 1756, f.104.

⁴³⁸ Nova Scotia "A," Original Correspondence, Vol.61, Board of Trade to Lawrence, 10 March, 1757, ff.106-108.

⁴³⁹ Nova Scotia "A," Original Correspondence, Vol.61, Memorial of the Settlers of Halifax addressed to the Board of Trade, 16 March, 1757, ff.63-64.

⁴⁴⁰ Nova Scotia "A," Original Correspondence, Vol.61, Lawrence to the Board of Trade, 9 November, 1757, f.217.

⁴⁴¹ Nova Scotia "A," Original Correspondence, Vol.61, Memorial of John Grant, 15 March, 1757, ff.119-121.

agriculture about a mile from Halifax. Salter complained that the buildings had been torn down and the fence carried away by the soldiers of the Halifax barracks for firewood. Salter also noted that “no care (was) taken by the officers to restrain them from *plundering the inhabitants* (emphasis mine).”⁴⁴² The wording he used is highlighted because it suggested that these actions were not just perpetrated against his own property, but likely the property of many of other settlers as well. Robert Sanderson was the agent for Captain John Rous of His Majesty’s ship *Success*, which had taken the French ship *Equity* prize in June 1756. Sanderson claimed he was approached by an agent of Lawrence’s who delivered an order of the governor that he desist in his proceedings with the prize ship, ostensibly so Lawrence could lay claim to the goods on board. Sanderson refused to obey the order and filed a libel against Lawrence with the local Admiralty office. The next day Sanderson was told by the Admiralty Office that Lawrence had threatened their judge with the loss of his post, who subsequently handed the ship over to Thomas Saul, one of Lawrence’s agents. Sanderson claimed that not only did Saul sell the ship, but broke into one of Sanderson’s warehouses where he had stored some of the ships goods, which he confiscated and sold as well. Sanderson was then removed by the governor as Rous’s agent.⁴⁴³

The merchants of Halifax were not the only ones with complaints against Lawrence. The Executive Council was also irate, claiming that they had advised Lawrence that it was in the colony’s best interests to establish an assembly. The Governor had indeed drawn up a plan with the advice of the Council to call an assembly, and then promptly left for his meeting with Lord Loudoun, telling them that he would leave it up to the discretion of his Lieutenant Governor to issue the writ for convening an assembly. Upon meeting with the Council on the issue, the Lieutenant Governor informed them that “it was his Excellency’s Opinion and his Own that it was not a proper time to call an Assembly and that therefore the writ ought not to be issued.” The Council claimed to the Board of Trade that no minutes had been entered in the council books of these proceedings, and had decided to make their complaint directly to the Board. They also alleged that they had been treated with great neglect by Lawrence on other occasions in matters of right, and hinted to the Board that Lawrence had engaged in fraudulent uses of the parliamentary grant. The Executive Council members asserted that they had never been

⁴⁴² Nova Scotia “A,” Original Correspondence, Vol.61, Deposition of Malachy Salter, 31 March, 1757, ff.15-16.

⁴⁴³ Nova Scotia “A,” Original Correspondence, Vol.61, Deposition of Robert Sanderson, 30 March, 1757, ff.10-14.

presented with proper accounts or estimates of the colony's expenditures.⁴⁴⁴ It should be noted here that Jonathon Belcher was at this time a member of the Executive Council and was likely the leading voice among them on the assembly issue. By 1757 the Executive Council consisted of only four members, the other eight having either died or left the province on military business since 1749.⁴⁴⁵ The weakness of the Council no doubt contributed to the ease with which Lawrence was able to perpetuate his dishonest activities. A memorial of the province's Grand Jury outlined some of the other abuses the settlers were suffering at the hands of the authorities. Lacking any standard weights and measures in the province, settlers were being defrauded on a regular basis by merchants selling foodstuffs. They also alleged that the pulling down and destroying of houses and fences was a common problem and the colony required laws to prevent this.⁴⁴⁶ What is interesting about this complaint is that there had been a law on the books since March 1753 addressing the same problem; indicating that it was either being enforced very laxly, or that these reports were fabricated or exaggerated.⁴⁴⁷

By the beginning of 1758 the freeholders had organized themselves into the Committee of Freeholders of Halifax in Nova Scotia, whose petitions and demands to the Board of Trade to force Lawrence to call an assembly became louder. The Freeholders repeated many of the allegations against Lawrence's administration that were made in 1757, and added many others. Among these were open accusations of fraudulent use of the parliamentary grant. The Freeholders alleged that Halifax's fortifications had been left in a "shamefully weak and defenseless state," and there was "no one place of safety for the women and children to retire to in case of attack." The Freeholders claimed the town was in such a perilous condition that they had gone so far as to send a memorial to Lawrence offering to contribute funds towards improving the town's defenses if there was not enough money in the treasury.⁴⁴⁸ Offering financial accounts as proof, they contended that Lawrence, instead of using the treasury's money

⁴⁴⁴ Nova Scotia "A," Original Correspondence, Vol.61, Nova Scotia Executive Council to the Board of Trade, 12 March, 1757, ff.109-114.

⁴⁴⁵ Nova Scotia "A," Original Correspondence, Vol.58, Board of Trade to George II, 2 December, 1755, ff.159-160.

⁴⁴⁶ Nova Scotia "A," Original Correspondence, Vol.61, Memorial of the Grand Jury for the County of Halifax, 3 May, 1757, ff.99-100.

⁴⁴⁷ LAC, MG 11, CO 219, Acts, Nova Scotia, Vol. 4, An Act to Prevent the Destroying or Stealing of Fences, 26 March, 1753, ff.44-45.

⁴⁴⁸ Issues like these raised questions of the accountability of the Nova Scotia administration towards the population of the colony as well as to the Board of Trade. Concerns over the accountability of governments to their people were becoming more common in Britain as well during this period. For more on this subject see J. Brewer, The Sinews of Power.

on improvements to the town, had lavished rewards on his “dependants and favourites,” including offering them multiple posts and reduplicated salaries.⁴⁴⁹ In turn, his officers were writing up fraudulent estimates for their expenses, which Lawrence would simply transmit to the Board of Trade without consulting Executive Council. They also asserted that Richard Bulkely, the officer in charge of public works, did not publicly advertise any of his contracts, and paid those they employed with goods purchased with public money.

The Freeholders also accused Lawrence of actively working within the colony to suppress support for an assembly by deception. According to the Freeholders Lawrence attempted to bully the settlers of Halifax to sign a petition against calling an assembly. “Though he could get no more than eleven persons to sign his petition,” he used this as an excuse not to issue the writ for calling the members. The German and Swiss settlers of Lunenburg, very few of whom could read or understand English, had been coerced into signing a similar petition by Lawrence’s agents who convinced them that they were indebted to Lawrence for sending them provisions, which were of course purchased with public money anyhow. Lawrence was deliberately depriving the Freeholders of Halifax “that most essential branch of English liberty,” and “the birthright of Englishmen.”⁴⁵⁰ Lawrence also had plans, they charged, to use Fort Cumberland, Annapolis Royal, and the recent settlement of Lawrencetown, as electoral districts. The trouble was that the first two districts were populated only by garrisons and would send as representatives military officers loyal to Lawrence; Lawrencetown was scarcely populated and the proprietors were men expecting offices in Lawrence’s administration. Lawrence and a few of his closest friends, including New England merchants Benjamin Green and Joshua Mauger, were the heads of the compact opposing the creation of the legislature.⁴⁵¹

The Freeholders also notified the Board that the colony’s Collector of the Rum Duty, Mr. Hinshelwood, was also the administrator of two other offices, the Clerk to the colony’s Secretary, and Auditor of Accounts.⁴⁵² The collection of the rum duty was currently the only customs and revenue activity in the province, and the revenues from these duties were ostensibly to be used to pay bounties to encourage the fishery, timber trade, and agriculture. The

⁴⁴⁹ Nova Scotia “A,” Original Correspondence, Vol.62, Petition of Ferdinand John Paris gent. To the Board of Trade on behalf of the Freeholders at Halifax in Nova Scotia, 27 January, 1758, ff.3-5.

⁴⁵⁰ Nova Scotia “A,” Original Correspondence, Vol.62, State of Facts Relating to the Complaint of the Freeholders in Nova Scotia, 27 January, 1758, ff.27-29.

⁴⁵¹ Nova Scotia “A,” Original Correspondence, Vol.62, Appendix to the State of Facts, 27 January, 1758, ff.47-49

⁴⁵² *Ibid*, f.44.

Freeholders charged that these bounties had not been paid for over three years.⁴⁵³ But of a more serious nature was the implication that the Collector of Customs for the province administered multiple offices in Lawrence's government, including Auditor of Accounts. This type of office holding was increasingly being considered a conflict of interest in Britain, and a political movement to prevent customs officers from voting or holding political offices there was gaining steam by the 1750s.⁴⁵⁴ The Board of Trade and Privy Council had already anticipated this problem in Nova Scotia by including a clause in the gubernatorial instructions which made the Surveyor General of Customs of the Southern District of America, as well as his deputy in Nova Scotia, councillors extraordinary with the right to vote in Council. The Surveyor General was not, however, allowed to officially hold the office of Captain General, Governor in Chief, or Lieutenant Governor in the event of the death or absence of any of the holders of those offices. Additionally, the Surveyor General held the sole right to appoint a replacement for his deputy in Nova Scotia in the event of his death.⁴⁵⁵ Furthermore, it was made explicit in the instructions that the assembly was not permitted "to appoint or nominate any persons to execute any office in the administration of the revenue or any other executive part of government."⁴⁵⁶

The Freeholders made further accusations of outright oppression against Lawrence and his men. Expanding on earlier memorials which accused soldiers of destroying houses and fences for firewood, they stated that nearly 1500 acres of land around Halifax that had been improved for agriculture had been devastated in such a manner, and "at least forty houses in the suburbs have been pull'd down and burnt by the soldiers." Those settlers who had attempted to defend their property against destruction were threatened with their lives. They also charged that Lawrence had withheld their government provisions over the past winter, causing many labourers to leave the colony and others to starve. Furthermore, large numbers of cattle confiscated from the Acadians had been given out "to favourites and particularly to Irish

⁴⁵³ Nova Scotia "A," Original Correspondence, Vol.62, State of Facts Relating to the Complaint of the Freeholders in Nova Scotia, 27 January, 1758, ff.17-18.

⁴⁵⁴ There was an increasing concern in Britain at this time that offices of the Crown could influence Parliament or elected assemblies. A reform movement led by MP Edmund Burke culminated in the 1770s which saw officers of customs and revenue disenfranchised and barred from holding political office. See J. Brewer, *Sinews of Power*, p.85; B. Kemp, "Crewe's Act, 1782," *English Historical Review*, Vol.68, 1953; and J.A. Cannon, *Parliamentary Reform 1640-1832*, p.85-86.

⁴⁵⁵ Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Vol.3, Instructions for Edward Cornwallis Esq., ff. 94-96.

⁴⁵⁶ *Ibid*, f. 87.

Papists,” and completely denied to the “poor Protestant inhabitants” of Halifax.⁴⁵⁷ Finally, the Freeholders claimed that Lawrence had made it all but impossible for anyone to legally leave the settlement, imposing harsh fines on any ship’s captains carrying anyone away without his permission, “nor can any inhabitant go three miles from town without a certificate, so that Halifax is really a prison to all intents and purposes.”⁴⁵⁸

Amidst these accusations of the blatant corruption and oppression imposed on the settlers of the colony by Lawrence’s administration, the Board of Trade was put in a difficult position. Clearly, something needed to be done to check Lawrence’s authority before Halifax was completely depopulated of the settlers whom the Board and Parliament had gone to great expense to bring into the province. On the other hand, to admit to Parliament that the corruption in the colony’s administration was so profound, especially during a time of war, could cause irreparable damage to the Board and the Ministry’s reputations. The Board met only days after receiving the Freeholder’s petitions, and determined the best course of action would be to transmit the complaints of the Freeholders to Privy Council so that they may issue a direct order to Lawrence to call an assembly immediately. The Board, however, would request that Lawrence first change the plan he had developed, noting that his planned use of military garrisons as electoral districts meant that “the governor really and in substance may nominate more than two thirds of the members.” The Board intended then to transmit a copy of the complaints to each of the province’s officers accused of wrongdoing, and that they in turn send their replies back to the Board. In the meantime, the petitioners in the province should be given the freedom to take out legal summons on their witnesses, and to investigate the court and council records of the Nova Scotia administration in the local courts. Lawrence and his officers, in the meantime, were to be ordered not to molest, hinder, harass or persecute anyone presenting legal complaints in the Nova Scotia Supreme Court.⁴⁵⁹

The Board of Trade had successfully created the appearance of having served justice to the Freeholders of Nova Scotia, but was also determined to prevent Parliament from catching wind of the scandal. The Board found a legal loophole to prevent the complaints against the colony’s officers from ever being heard in a British court. The Board determined, despite the

⁴⁵⁷ Nova Scotia “A,” Original Correspondence, Vol.62, State of Facts Relating to the Complaint of the Freeholders in Nova Scotia, 27 January, 1758, ff.21-23.

⁴⁵⁸ Nova Scotia “A,” Original Correspondence, Vol.62, Petition of Ferdinand John Paris gent. To the Board of Trade on behalf of the Freeholders at Halifax in Nova Scotia, 27 January, 1758, ff.6-7.

⁴⁵⁹ Nova Scotia “A,” Original Correspondence, Vol.62, Minutes of the Board of Trade, 31 January, 1758, ff.54-68.

heated objections of Ferdinand John Paris, the Freeholder's agent and attorney in London, that the Board would not proceed with the complaints against Lawrence and his officers as individuals. The complaints would instead be dealt with en bloc, and determination in the matter made by Privy Council. The Board gave as its logic for doing so that the Freeholders had not obtained sufficient proof that any individual officers of the government had committed the acts they were accused of, nor had they proven sufficiently that they were denied the means of obtaining such proof.⁴⁶⁰ In this manner, Lord Halifax and the Board offered the appearance of justice being served for the settlers of Halifax, but at the same time dealt with the problems in Nova Scotia 'in house,' keeping it away from the ears of the British Parliament and the public. The Board sent Lawrence the order from Privy Council that he was to call an assembly immediately regardless of any inconveniences, and also told Lawrence to change his plan so that only townships with fifty or more settled families would be allowed to elect representatives. Ostensibly this would have been to prevent garrisons from being used as electoral districts. At the same time, the Board informed Lawrence of their decision that the articles of complaint would be sent to him and his officers for their answer, but that there would be no proceedings against them unless the Freeholders could present solid proof to back their accusations.⁴⁶¹

The Freeholders never did, it seems, present such proof, or if they did the information was suppressed by the Board since Lawrence remained as governor until his death in 1760.⁴⁶² If there was any truth to their accusations, however, there were much more than commercial interests at stake in forming an assembly in Nova Scotia. It would also have been necessary in light of the expense of maintaining the eastern seaboard colonies under parliamentary funded administrations. The merchants of Halifax suffered very real injustices at the hands of Lawrence and his administration, but based on the evidence these appear to have been limited to abuses of the colony's funds and attempts to impose a plan for an assembly with little to no power. The Board of Trade, in a letter to Belcher after Lawrence's death, noted that they had uncovered no evidence to support the allegations of judicial tampering or the destruction of property by the colony's soldiers. They did, however, uncover serious irregularities with Lawrence's accounts in many areas. The Board was led to conclude that while Lawrence had abused the parliamentary grant and tried to suppress the assembly, his administration was not guilty of the other offenses

⁴⁶⁰ Nova Scotia "A," Original Correspondence, Vol.62, Minutes of the Board of Trade, 7 February, 1758, ff.84-86.

⁴⁶¹ Nova Scotia "A," Original Correspondence, Vol.62, Board of Trade to Lawrence, 7 February, 1758, ff.97-106.

⁴⁶² S.E. Patterson, "1744-1763, Colonial Wars and Aboriginal Peoples," p.150.

they were accused of.⁴⁶³ Although the available evidence is inconclusive, the revelation that Lawrence or any of his officers took liberties with their power should not be surprising. The military administrations in Louisbourg and Annapolis Royal from 1745 to 1748 ran into many of the same issues.

In addition, the fact that the group of Freeholders who complained to the Board of Trade was composed only of the colony's merchants does not in itself establish that they were motivated only for self-interested commercial reasons, as MacNutt asserted. After all, the majority of the poor settlers in the colony either did not speak English, as in Lunenburg, or they would have been for the most part illiterate. The settlers could not represent themselves; the merchants of Halifax did it on their behalf as they were the only ones who could. Also, under the traditions of the English common law at the time, the community may not have expected any legal redress for the alleged harms done to them by Lawrence's administration even if they had occurred, simply the discontinuance of those harms.⁴⁶⁴ The Freeholders, for their own benefit and the benefit of the colony, may have exaggerated their claims, but still did so for the common interest. The Board of Trade, for its part, had created a monster. The executive power laid out in the gubernatorial instructions created an administration virtually immune from the desires of its own population, which flouted them for personal gain. It is perhaps not insignificant that the first assembly did not sit until after the second capture of Louisbourg by British forces in July 1758,⁴⁶⁵ convening in October of the same year. The Board finally had the leverage it needed to force Lawrence to obey their order; he was out of excuses for delaying any longer now that the province was no longer technically in a state of war.

Legislative review and the centralized control of colonial representative institutions

The final example of the Board of Trade's hold over Nova Scotia, and its growing sense of colonial and administrative responsibility, involves their control over provincial law. As noted earlier, The Board reserved the right, much as they did in every other American colony, to disallow acts passed by the Nova Scotia legislature. The movement towards the uniform use of

⁴⁶³ Nova Scotia "A," Original Correspondence, Vol.65, Board of Trade to Lieutenant Governor Belcher, 3 March, 1761, ff.66-83.

⁴⁶⁴ For more on customary expectations of the law in situations such as these, see E.P. Thompson, Customs in Common, especially chapter 3, "Custom, Law, and Common Right," pp.97-184.

⁴⁶⁵ J. Gwyn, Frigates and Foremasts, pp.31-35.

common law in the colonies was successful mainly due to the Board of Trade's use of their powers of review as instruments of legal oversight and integration. However the Crown's prerogative in this matter met with resistance in the more established colonies by their assemblies and sometimes by the colonial courts as well.⁴⁶⁶ For its part, the Crown argued that colonial legislatures could not veto legal decisions by the metropolitan authorities: There could not be two supreme authorities in a single state, and sovereignty, according to conventional theory, could not be divided. An 'Imperium in imperio,' or a sovereign authority within a sovereign authority, was a contradiction in terms.⁴⁶⁷ Therefore, the British state necessarily had the final say when it came to the writing and application of colonial legislation. Parliament was increasingly earnest and protective of its prerogative to create statute law.⁴⁶⁸

In searching for a legal standard with which to write the early laws of Nova Scotia, Cornwallis and his Council looked to the reformed legislative model provided by Virginia. As an example, the question arose whether settlers in Halifax could be pursued in Nova Scotia court for debts contracted in Britain or other colonies. The Council noted that it was general custom in the colonies not to allow a debt to be pleaded in the colonial court against settlers unless contracted for goods imported into the colony. The Council referenced the Acts of the Virginia assembly in looking for a model within which to frame their own law on the issue. The law that the Council ultimately penned in early 1750, however, provided a more limited protection from pleadings on foreign debt than the Virginia law permitted.⁴⁶⁹

As the preceding example illustrates, laws were never copied verbatim from English law, nor did the colonies copy them verbatim from one another. In fact, there was a tacit recognition by the Board of Trade and Privy Council that English law was not automatically applicable in America. The crucial phrase that laws were not to be "repugnant to the laws of England," was applied to colonial charters not just to provide central control, but also to avoid claims that the laws of England automatically transferred to the colonies.⁴⁷⁰ There was, however, a subtle procedural difference in the way the repugnancy rule was applied to Nova Scotia. In Virginia's gubernatorial instructions, this standard only applied to Criminal prosecutions touching life and

⁴⁶⁶ E. Mancke, "Colonial and Imperial Contexts," p.36-37.

⁴⁶⁷ J.P. Greene, "Competing Authorities," p.53.

⁴⁶⁸ For more on the subject of parliamentary prerogative to write laws affecting the colonies in the eighteenth century, see J.P. Greene, *Center and Peripheries*, and the essays in P. Lawson, *Parliament and the Atlantic Empire*.

⁴⁶⁹ T.G. Barnes, "As Near as may be Agreeable to the Laws of this Kingdom," p.19.

⁴⁷⁰ I.K. Steele, "British Parliament and the Atlantic Colonies to 1760," p.34.

limb, and civil cases involving lands and tenements, or goods and chattels. In the 1749 instructions to Cornwallis, this standard applied to the entire corpus of law. The rule was also to be extended to all written laws in Nova Scotia and not just their application in the courts, a rule which had never been required in Virginia.⁴⁷¹ The Board of Trade actively worked to ensure that Nova Scotia stuck to this standard both in the practice and writing of laws. As the noted legal historian Thomas Barnes observes, the province's early laws did not borrow from the Massachusetts or New England legal codes, nor were they slavish copying of English laws.⁴⁷²

Throughout the eighteenth century the Privy Councils of both Ireland and England actively re-wrote and disallowed Irish laws on a regular basis. Before 1748, in contrast, the Board often sent out colonial laws to legal authorities for opinions but rarely referred them to Privy Council for disallowance.⁴⁷³ After 1748, Lord Halifax's Board of Trade would become much more inflexible in applying this legal standard to colonial laws, particularly in Nova Scotia. Their goal was to make sure that law in Nova Scotia stayed as close to the English standard as humanly possible and avoided the rebellious legal influence of their New England neighbours. On at least two occasions the Board would have to flex its political muscle in having Massachusetts influence on the Nova Scotia legal system reversed. The first of these occasions was in 1753, when accusations of partiality and irregular proceedings were leveled against the Inferior Court of Common Pleas judges, particularly that they were interpreting Nova Scotia laws in the same manner as Massachusetts law. The Board of Trade was annoyed by these accusations and ordered Hopson to suppress and discourage such proceedings by any means necessary, including punishment or dismissal of any officers of justice who involved themselves in such disputes and insisted on using Massachusetts practice.⁴⁷⁴

Governor Hopson was also concerned about the absence of professional attorneys in the province. Not only did this lack of professionalism have implications for the application of the law in the courts, but he also sought a source of legal advice on the dispensation of executive functions. Hopson requested that Privy Council appoint a Chief Justice for a Supreme Court and an Attorney General, which would effectively remove judicial patronage from the Governor and Executive Council and put it in the hands of the metropolitan authorities. Privy Council granted

⁴⁷¹ T.G. Barnes, "As Near as may be Agreeable to the Laws of this Kingdom," p.7.

⁴⁷² *Ibid*, p.6.

⁴⁷³ J.P. Greene, "Introduction: Empire and Liberty," p.9.

⁴⁷⁴ Nova Scotia "A," Original Correspondence, Vol.52, Board of Trade to Peregrine Hopson, 12 July, 1753, ff.97-106.

the request and appointed then Governor of New Jersey Jonathon Belcher as the Chief Justice of the Supreme Court of Nova Scotia in 1754.⁴⁷⁵ Hopson hoped that this separation of the executive and judicial functions would promote deference to authority in the colony. Hopson also noted in late 1753 that the Executive Council was “very cautious of multiplying laws until we can extend (the province) further and the people are more at their ease.” Hopson was implying that drafting more laws without an assembly would contribute to the impression that it was a military colony and repel potential settlers. He told the Board of Trade: “I hope when the laws come to be laid before you, you will consider them more as regulations for the good order of the town of Halifax, than any body of laws for a province, which our circumstances will not as yet admit of.”⁴⁷⁶

Belcher advised Lawrence of some concerns he had about Nova Scotia’s existing laws as early as October 1754, shortly before his inauguration as Chief Justice. Lawrence then informed the Board that he considered it a matter “of the highest importance, and may be of moment to the confirmation of them,” promising to deliberate with the Council and send the Board their answers to Belcher’s objections at the soonest opportunity.⁴⁷⁷ The Board told Lawrence in May 1755 that it felt the best solution to the colony’s legal problems was to have an assembly called immediately for the legitimate passage of legislation. The Board desired that because the laws previously enacted by the Governor and Council “and the authority of those acting under them” had not yet been questioned by the inhabitants, “the opinion of His Majesty’s Attorney and Solicitor General should not be made publick, until an Assembly can be convened, and an indemnification passed for such acts as have been done under laws enacted without any proper authority.”⁴⁷⁸ The Board of Trade, quite happy with the ‘Englishness’ of the colony’s laws up to this time, wished to have them quietly legitimated, rather than erasing the colony’s legal code and starting over, perhaps foreseeing there would be problems with the kinds of laws that would be written once an assembly was convened. As established previously, Belcher did not believe there were any problems with the actual content of the laws written from 1749 to 1754, or even that governor and council did not have the authority to do so before an assembly could be called, merely that they could not be considered legitimate legislation if passed without the approval of

⁴⁷⁵ B. Cahill and J. Phillips, “The Supreme Court of Nova Scotia: Origins to Confederation,” pp.55-56.

⁴⁷⁶ Nova Scotia “A,” Original Correspondence, Vol.54, Hopson to the Board of Trade, 1 October, 1753, ff.129-130.

⁴⁷⁷ Nova Scotia “A,” Original Correspondence, Vol.56, Lawrence to the Board of Trade, 14 October, 1754, ff.48-49.

⁴⁷⁸ Nova Scotia “A,” Original Correspondence, Vol.57, Board of Trade to Lawrence, 4 May, 1755, ff.135-136.

an elected legislature.⁴⁷⁹ The assembly approved of an act to put several acts of the governor and council in full force for two years during its first session in October 1758. Among the acts approved were the act to protect settlers from actions by creditors for foreign debt; an act determining that all flour imported into the province be sold by weight; an act for ascertaining damages on protested bills of exchange, an act for the relief of debtors; an act requiring proprietors to fence in their land; and an act to prevent the destroying or stealing of fences. One cannot help but observe that the laws approved by the assembly for continuance were those which would have generally benefitted merchants and farming settlers.⁴⁸⁰ Despite the passage of this act there is no indication that any of the other older laws were stricken from the books. However, because many of them carried time limits, they may have simply been allowed to expire if they no longer applied to the province's situation.

In its early years the Nova Scotia legislature did what perhaps the Board of Trade expected it do all along given the New England influence in the colony; they passed laws modeled after Massachusetts legislation. The Massachusetts legal code was considered by the Board of Trade as that among the American colonies which deviated the most from English common law. Although it had to tolerate this condition in Massachusetts because of their legal tradition which went back to the early seventeenth century, the Board was now determined to be more rigorous in asking Privy Council for the revision or disallowance of Massachusetts style laws if a newer colony tried to enact them. Nova Scotia's legal tradition, at least the legitimate one, was brand new and easily molded by the metropolitan authorities.⁴⁸¹ The Privy Council disallowed several acts in the assembly's first three years of existence, though four in particular are noteworthy because they reveal a determination to limit power and make the Nova Scotia assembly accountable to Parliament in London.

The Board requested that a law passed by the assembly for the better discovering and suppressing unlicensed houses be rewritten, as it offered the justices of the peace "too great discretionary powers of entering private houses too search for spirituous liquors," and the penalties to be inflicted on those who refused the JP entrance were considered too severe. The Board also objected to the assembly's renewal of an older law preventing foreign debts from

⁴⁷⁹ Nova Scotia "A," Original Correspondence, Vol. 57, Belcher to Pownall, 16 January, 1755, ff.52-64.

⁴⁸⁰ Acts, Nova Scotia, Vol. 7, An Act for Revising and Putting in Full Force Several of the Resolutions or Acts of His Majesty's Governors and Council of this Province, Heretofore Made, 30 October, 1758, ff. 25-28.

⁴⁸¹ E. Mancke, "Colonial and Imperial Contexts," p.38-42.

being pleadable in the province. The Board felt it was “inconsistent with all principles of justice, reason, and policy,” and when extended to creditors in England was considered contrary to an act recently passed by George II for the better recovery of debt in the colonies. The Board also noted that although many other American colonies had passed similar laws, the precedent had recently been set when a similar law passed in Georgia had been disallowed by the Crown. The Board also objected to a law passed regarding marriage and divorce, which allowed willful desertion as legitimate grounds to grant a divorce in the same manner as a similar law in Massachusetts. The Board observed that ‘willful desertion’ as grounds for divorce was not consistent with the laws of England, nor could they “conceive how a law, the operation of which is merely local, can in such a case as this be deemed consonant to reason.”⁴⁸²

The Board also asked Privy Council to order that the law passed to prevent private commerce with the Aborigines of Nova Scotia and create a provincially regulated monopoly be allowed to expire, and a new law extending the same be disallowed. A provincially run truck house had already been established in early 1760, administered by merchant Benjamin Green, with prices fixed to a schedule agreed to by the Aborigines themselves.⁴⁸³ The Board felt that creating a monopoly would be “inconsistent with the principles of commerce and the freedom which your Majesty’s subjects ought to enjoy.” Predictably, the Board was also concerned that such a scheme would become a drain on the public funds.⁴⁸⁴ Now the acting Governor of Nova Scotia since Lawrence’s death, Belcher objected to the Board’s assertions about the law, noting that since the British had successfully conquered the province, the only means available to the province’s Aborigines for subsistence was the fur trade. Regulation was necessary to “secure this commerce from the frauds and impositions that have constantly alienated the minds of the Indians from the government,” and prevent any possible backlash such as attacks on remote Nova Scotia settlements. He also defended the province’s trading system by pointing out that it was a great advantage to the Halifax merchants as the furs obtained by the truck house were auctioned off, allowing merchants to purchase them at a lower rate than the government had paid, and a lower rate than they would obtain from Aborigines in private trade. Any cost to the government would be made up for in the increase of economic activity stimulated by this trade.

⁴⁸² Nova Scotia “A,” Original Correspondence, Vol.57, Board of Trade to Lieutenant Governor Belcher, 12 December, 1760, ff.289-296.

⁴⁸³ S.E. Patterson, “1744-1763, Colonial Wars and Aboriginal Peoples,” p.150.

⁴⁸⁴ Nova Scotia “A,” Original Correspondence, Vol.66, Board of Trade to George III, 23 June, 1761, ff.25-27.

Belcher acknowledged, however, that he had no choice but to obey the Privy Council's ruling, saying he would adjust the law so that it would be more in tune with the freedom of commerce while protecting against frauds and abuses at the same time. To achieve this he would attempt to convince the assembly to pass a law instead which would settle a tariff on furs, and allow the governor to "grant licenses to all persons who shall give the security to be fixed by the legislature," with severe penalties for traders without a license.⁴⁸⁵ A law to that effect was passed in May 1762 by the province's legislature.⁴⁸⁶ This policy is somewhat contrary to the policies adopted by the British authorities towards American Aborigines after the Seven Years War in the rest of America, which were designed to implement strict metropolitan control over Aboriginal matters.⁴⁸⁷ In 1761 the Secretary of State issued instructions to the governors in America that all applications for land involving Indian interests were to be referred to London. Trade with Aborigines was also to be closely regulated and only to be conducted at military posts.⁴⁸⁸ In any case, the modified truck house system adopted in Nova Scotia did not last long. It led to enormous government losses, perhaps made worse by unscrupulous practices by Benjamin Green, who remained as the province's Indian Commissary, and was discontinued there in 1764.⁴⁸⁹

Thomas Barnes surveys that a great deal of proclamation 'law' found statutory affirmation in the early legislative history of the colony, which he attributes to the precedent set by the practice of the colony's courts 'given vigour' by executive proclamation during British Nova Scotia's first decade.⁴⁹⁰ Indeed, without courts there would have been little use in passing any laws at all, and without laws courts would have been useless, therefore proclamation had to be accepted under the circumstances. Initially, it may seem odd that the Board of Trade later encouraged the legitimating of laws passed by what it considered to be an "illegal authority," then disapproved of many of the laws passed by a legislative assembly, but it made a great deal of sense in terms of centralized control. The proclamation laws not only conformed to a higher

⁴⁸⁵ Nova Scotia "A," Original Correspondence, Vol.66, Belcher to the Board of Trade, 3 November, 1761, ff.137-140.

⁴⁸⁶ Acts, Nova Scotia, Vol. 9, An Act for Preventing Fraudulent dealings in the Trade with the Indians, 4 May, 1762, ff.87-88.

⁴⁸⁷ This policy is best reflected in the familiar Royal Proclamation of 1763. See C. Calloway, The Scratch of a Pen: 1763 and the Transformation of North America.

⁴⁸⁸ P.J. Marshall, The Making and Unmaking of Empires, p.118.

⁴⁸⁹ S.E. Patterson, "1744-1763, Colonial Wars and Aboriginal Peoples," p.150.

⁴⁹⁰ T.G. Barnes, "As Near as may be Agreeable to the Laws of this Kingdom," pp.21-22.

standard of ‘Englishness’ which the Board desired, but as noted earlier, the governor and council were empowered to make law as long as the province’s circumstances were not conducive to the convening of an assembly. It is important to note that the Board and Privy Council had never had a tradition of reviewing or disallowing proclamation laws or ordinances written without the authority of an assembly. To make public the Attorney General’s determination that the province’s laws written before 1758 were illegal and order them declared null and void, would have undermined the authority of the governor and council which the Board had worked so hard to solidify. On the other hand, the Board and Privy Council wished to maintain strict control over the assembly’s law making powers in order to manage the New England and Massachusetts influence which was prominent amongst the colony’s electorate. The four examples provided of Nova Scotia laws disallowed by Privy Council during the assembly’s early years were merely a few of many, illustrating that metropolitan instruments of control over the colony’s legal system, and the will to impose that control, were much more powerful than they were in many other American colonies.

From 1749 to 1761, Lord Halifax and the Board of Trade were very successful at creating an administrative model in Nova Scotia which would allow for the centralized control of the province long desired in the other North American colonies. The key aspects of this centralized control were manifested in the areas of control of the colony’s finances and economy, its political administration, and its law making powers. As the Davidson affair and the exceedings of the parliamentary grant illustrate, this was an experimental model, and there were bound to be difficulties along the way. But as Davidson’s timely removal, and the replacement of Cornwallis with the more financially minded Hopson demonstrate, the Board had indeed created a more effective system of colonial oversight over patronage and finance than in other places in the Americas. It took longer for the Board to detect the much deeper corruption in Lawrence’s administration, but when it did Lord Halifax ensured that Lawrence’s powers were curbed by forcing the creation of the assembly which had been required by the gubernatorial instructions since 1749. Historian William MacNutt argued that the complaints of the Freeholders of Halifax were simply an attempt to fatten their purses. Contrary to this argument, the Board was correcting some real abuses of power, exaggerated though they may have been, and protecting its investment of bringing settlers into the colony to strengthen the British presence. Finally, even after the Nova Scotia settlers had gained their “birthright” with an elected assembly, the Board of

Trade kept it on a leash. It made sure that the influence of settlers from the northern American seaboard colonies, who made up a substantial part of the Nova Scotia population after 1758,⁴⁹¹ would not make its way into the legal system. Thus, the Board of Trade made certain that Nova Scotia would remain a “British” province for the foreseeable future, regardless of who was representing the electorate. Salutary neglect was effectively effaced from the imperial equation in early British Nova Scotia. The “model” of Nova Scotia’s centralized administration may also have inspired and emboldened British officials as they took a more aggressive stance towards the maintenance and administrative control of the American colonists in the years after the Seven Years War.

⁴⁹¹ On the prevalence of settlers from New England and other colonies along the north-eastern seaboard in Nova Scotia, see the essays in M. Conrad, Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800.

CONCLUSION

This thesis has focused on the administrative situation in Nova Scotia during the War of the Austrian Succession from 1744 to 1748. Neglected by the British metropolitan authorities since the acquisition of Annapolis Royal in 1710, Nova Scotia was a marginal colony suddenly thrust into the public and parliamentary spotlight when New England forces captured the French stronghold of Louisbourg on Cape Breton Island in June 1745. This British victory received popular acclaim at home, and officials both there and in the American colonies recognized the strategic and economic importance and potential of the province for the Atlantic Empire. The British Ministry and Parliament were too preoccupied with fighting the war in Europe and suppressing the Jacobite Rebellion at home, however, to devote the proper attention or resources to turn Cape Breton and Nova Scotia into a successful British colony. As a result, military officers were left in charge of their administration, which lacked the proper resources or government mechanisms to maintain law and order, or promote the settlement and economic improvement which would have made them useful additions to the imperial project. This neglect led to strenuous lobbying by British military officials and Governor of Massachusetts William Shirley for the establishment of civil government for Nova Scotia and Cape Breton to remedy the problems impeding their development. Although nothing was done about these problems during the war, important government officials such as the Duke of Bedford and Lord Halifax were listening. They developed plans to bring a proper administration to the region for the purpose of populating it with British settlers, as a counterweight to the threatening French presence in the British North American colonies, and in anticipation of future campaigns to remove the French from North America.

The neglect which was experienced by the administrators of British Nova Scotia and Cape Breton from 1710 to 1748 was indicative of a wider administrative neglect of all the North American colonies from their beginnings in the early seventeenth century. As outlined by historians Jack Greene, Jack Sosin, and Elizabeth Mancke,⁴⁹² traditional British policy until 1749 dictated that the British state would not provide funding for the creation, settlement or maintenance of the North American colonies. Instead, the colonies were settled by private

⁴⁹² J.P. Greene, *Peripheries and Centres and Negotiated Authorities*; J. Sosin, *English America and the Revolution of 1688* and *English America and Imperial Inconstancy*; E. Mancke, *The Fault Lines of Empire* and “Negotiating an Empire: Britain and its Overseas Peripheries.”

initiatives, and maintained by the revenues they created through trade and commerce. Historian James Henretta hypothesized that the administrative neglect of the colonies reached its apex during Robert Walpole's time as First Minister from 1721 to 1742, and continued straight through to the end of the Seven Years War in 1763. During this era, which Henretta coined the era of "salutary neglect," this method of administering the colonies applied equally to all of the British American colonies, including Nova Scotia and Cape Breton.⁴⁹³ However, the evidence indicates that the era of administrative neglect in these north-eastern frontier colonies was eroding by 1746. The persistence with which various officials in these colonies and the northern American colonies lobbied for civil government in Nova Scotia demonstrates that this was an issue which could no longer be ignored. The importance of the two colonies to the commercial and mercantile British Empire, they warned, was too great to tolerate neglect, and civil government was the key to making any colony successful. Furthermore, the strategic value of these two colonies for the protection of the North American eastern seaboard trade routes from the French, and the presence of hostile elements within them (the French Acadians and M'ikmaqs), anticipated that there would be heavy state involvement in facilitating their transformation into "British" colonies.

Chapter two examined the mechanics of how the government administration of Nova Scotia was instituted in the few years after the settlement of Halifax in June 1749. Established after Cape Breton was returned to the French by the Peace of Aix-la-Chapelle, Halifax was to serve as the British counterweight to Louisbourg and secure the fishery of the Gulf of St. Lawrence for Britain. Secretary of State for the Southern Department the Duke of Bedford, and President of the Board of Trade Lord Halifax, decided to use an experimental model of civil governance for Nova Scotia in an attempt to increase centralized metropolitan control. Instead of granting the colony a royal charter as had been done in the past with other North American colonies, the gubernatorial instructions and commission were to serve as the foundation of the colony's government. The instructions and commission were written in such a way as to try to anticipate the needs of the colony and eliminate the need for local administrative innovation, as well as ensure that the royal governor and his executive council would have strong decision making powers, even after a legislative assembly was established. In turn, this strong executive authority in the province was ultimately answerable to Whitehall. Because the colony lacked a formal

⁴⁹³ J. Henretta, "Salutary Neglect:" Colonial Administration under the Duke of Newcastle.

charter or constitution, the Board of Trade or Privy Council could reinterpret the instructions or issue new orders for the governor via their correspondence if the needs of the colony dictated it, or British policy changed.

This has been demonstrated by examining three key areas of the administration of the province; the financial, the political, and the legal. The settlement of the province after 1749 was accomplished using public funds. In order to maintain accountability to Parliament, the Board of Trade and Privy Council had to ensure that financial oversight was strict, and the economic developments of the province to bring it to self-sufficiency were made administrative priorities. Politically, the Board of Trade felt that the best way to create a “British” space in the province was through the strategic use of land grants. In doing so, they sought to either exclude or assimilate non-British populations in the province, and severely limit municipal governments which could challenge the provincial administration for power and influence. They also had to ensure that once a legislative assembly was convened, its power to override the decisions of the Governor, his Executive Council, or Whitehall, were greatly restricted. Finally, in keeping with a reform movement to professionalize and standardize the legal system in the colonies, the metropolitan authorities desired that Nova Scotia’s legal system should conform as closely as possible to the English common law system. Mechanisms to accomplish all these goals were built into the Governor’s instructions and commission.

The settlement of Halifax was part of the background to the much larger tensions in North America which existed between 1748 and the beginning of the Seven Years War in 1755. Historians such as Julian Gwyn, John Grenier and S.E. Patterson have outlined the dynamics of how the border dispute with the French, and tensions between the British at Halifax, the Acadians of Chignecto, and the Mi’kmaq all contributed to the outbreak of the Seven Years War.⁴⁹⁴ Similar tensions with the French existed throughout British North America during this period. These issues led the metropolitan authorities to make mainly unsuccessful attempts to strengthen and centralize British control of all of the American colonies, as examined by historians such as Jack Greene, Peter Marshall, and Ian Steele.⁴⁹⁵ With the exception of Georgia, which was made an unchartered royal colony in the fashion of Nova Scotia in 1752, these

⁴⁹⁴ J. Gwyn, Frigates and Foremasts; J. Grenier, The Far Reaches of Empire; S.E. Patterson, “1744-1763, Colonial Wars and Aboriginal Peoples.”

⁴⁹⁵ J.P. Greene, Peripheries and Centres and Negotiated Authorities; P.J. Marshall, The Making and Unmaking of Empires; I.K. Steele, “The British Parliament and the Atlantic Colonies to 1760.”

attempts to revoke and rewrite the charters of the thirteen American colonies were sporadic before 1763. Despite the renewal of the Board of Trade by a determined Lord Halifax, his Board still lacked the resources to enforce his vision throughout American colonies, and was repeatedly blocked by legislative assemblies and colonial elites intent on preserving their traditions of self-government. Arguably, the metropolitan authorities experienced the most success in reforming the colonies legal systems, but strong political and financial control was virtually impossible.

Chapter three demonstrated how the administrative mechanisms established in Nova Scotia functioned to provide strong centralized British control of the colony using specific examples. On the financial side, Lord Halifax was determined he should have very strong authority to control provincial spending and ensure the integrity of the Nova Scotia Treasury. As the Davidson affair illustrates, the ability of the Board of Trade to limit or control patronage in the government, and root out possible corruption, was absolutely necessary and easily accomplished. This was thanks in part to improved colonial communications, and the powerful oversight mechanisms built into the colony's gubernatorial instructions and commissions. Those same mechanisms were supposed to ensure responsible spending by the province's administration and the adherence to a parliamentary budget. As Lord Halifax's budget battles with Cornwallis illustrate, these expectations were frustrating for both sides who disagreed on how the money was best spent. Cornwallis's replacement with a more financially responsible and compliant governor in Hopson was the ultimate result. Politically, central control of the province by the metropolitan authorities was extremely successful. The governor's authority was so robust that complaints spearheaded by the merchants of Halifax, and evidence of Lawrence's abuse of the Treasury, forced the Board of Trade to strong-arm Lawrence into convening the long delayed legislative assembly in October 1758. While there is not enough evidence to prove the Freeholders of Halifax's complaints about property destruction and judicial obstruction, William MacNutt's indictment of the Freeholders as interested solely in financial gain is too harsh. There probably were some real abuses of power by the Lawrence administration, which was perhaps similar in character to the disorganized British administration of Louisbourg from 1745 to 1748. This required a check on the governor's power in the form of an assembly, as dictated by the Board of Trade, though safeguards were put in place to ensure that the assembly would not be too powerful. This safeguard was instituted in the form of review of the province's legislation by the Board and Privy Council. Laws which introduced too much influence from north-eastern

colonies such as Massachusetts, or did not meet the legal standard of non-repugnance to English common law, were rewritten or disallowed.

Historians such as Lewis Namier, Richard Pares, and H.T. Dickinson have illustrated how pervasive systems of patronage were in British society by the mid eighteenth century, as well as political and judicial corruption.⁴⁹⁶ These systems were exported to the colonies along with English models of political and judicial legal systems. Attempts to exert greater control over colonial patronage and finances, and the limitation of corruption, have been outlined by James Henretta and Jack Greene.⁴⁹⁷ The mid eighteenth century was also a period of tension between Britain and the North American colonies in general over the role of legislative assemblies. On the one hand, republican ideals that elected representative bodies such as Parliament or the colonial assemblies were the best safeguards of the rights of “freeborn Englishmen” were gaining traction in Britain and the colonies. On the other hand, the impulse towards authoritarian government among the British elites was just as strong, and manifested itself most blatantly in the Crown and Parliament’s attempts to subdue the American colonies. These tensions, which had a long history, would become more intense from the 1750s onwards until the American Revolution, and are clearly illustrated by historians such as Peter Marshall, Ian Steele, and Frank O’Gorman.⁴⁹⁸ The control of colonial administrative, political, and legal systems⁴⁹⁹ were important aspects of these tensions, as described by Elizabeth Mancke and Jack Greene.⁵⁰⁰

In summation, this research has demonstrated that in the genesis of British Nova Scotia after 1748, James Henretta’s thesis of “salutary neglect” is not part of the equation. Previous research by Atlantic historians such as Peter Marshall, Jack Greene, and others has indicated that serious issues in the administrative relationship between Britain and its American colonies did not really arise until after the Seven Years War. This research demonstrates, however, that the British Imperial program of post-1763 was actually hatched in Nova Scotia during a transition

⁴⁹⁶ L. Namier, The Structure of Politics at the Accession of George III; R. Pares, King George III and the Politicians; H.T. Dickinson, The Politics of the People in Eighteenth-Century Britain.

⁴⁹⁷ J. Henretta, “Salutary Neglect”; J.P. Greene, Negotiated Authorities.

⁴⁹⁸ P.J. Marshall, The Making and Unmaking of Empires; I.K. Steele, “The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689-1784” and F. O’Gorman, The Long Eighteenth Century: British Political and Social History, 1688-1832.

⁴⁹⁹ For more on the developments in British attempts to centralize control of the colonies in the period between 1763 and 1776, see the three volumes by P.D.G. Thomas, British Politics and the Stamp Act Crisis: The First Phase of the American Revolution 1763-1767; The Townshend Duties Crisis: The Second Phase of the American Revolution, 1767-1773; and Tea Party to Independence: The Third Phase of the American Revolution, 1773-1776.

⁵⁰⁰ E. Mancke, The Fault Lines of Empire and “Colonial and Imperial Contexts;” J.P. Greene, Negotiated Authorities and “Competing Authorities: The Debate over Parliamentary Imperial Jurisdiction, 1763-1776.”

phase in colonial relations between 1746 and 1763. It was in Nova Scotia that an experimental model of colonial governance was initiated and perfected, though it is clear by the actions of some civil officers in the province that at first the intentions of the Board of Trade were misunderstood.

The attempt to extend the micromanagement of Nova Scotia to the other American colonies, which had traditionally administered their own internal affairs, was not only physically impossible, but obnoxious to colonial elites. This process, as it occurred in Nova Scotia, has been outlined by Elizabeth Mancke in *The Fault Lines of Empire*, and there is still a great deal of work that could be done to promote Mancke's work. The existing scholarship is lacking in these kinds of in depth studies of the mechanics of Britain's administration of the American colonies, especially during the neglected period between 1744 and 1763. Studies like this could tell us a lot more about Britain's relationship with the colonies, and the 'how' and 'why' on the breakdown of that relationship. What could a similar study on Georgia, the other parliamentary funded colony, reveal to us? How was the Georgian experience similar to Nova Scotia and in what areas did it differ? Did their experience affect their later participation in the American Revolution? Similarly, how did these processes work in colonies like New Hampshire, where their royal governor became powerful by building a large patronage network? Finally, what did the Board of Trade and Privy Council do specifically to try and reign in the colonies they considered unruly, such as Massachusetts or Pennsylvania? Did they attempt to use the same tactics they used in Nova Scotia when they tried to rewrite their charters, and how exactly did these colonies evade them? These kinds of questions lead us to the larger picture of where colonies like Nova Scotia fit into Imperial reform in post Seven Years War America, and into a burgeoning British Empire in the period.⁵⁰¹ These specific and minute processes of centralized authority in Nova Scotia are reflective of larger processes which involved the British North American colonies that began to intensify in the 1750s. The experience and ultimate success of the Nova Scotia experiment led many British officials in Whitehall to believe that this was the right method of governing the American colonies in the wake of the Seven Years War. This belief took the metropolitan authorities in a direction which would end in failure with the

⁵⁰¹ This study has been undertaken to help write the Canadian/British/North American history back into the eighteenth century British Empire. For a discussion on the importance of this challenge see P. Buckner, "Whatever Happened to the British Empire?" *Journal of the Canadian Historical Association*, 1993, Vol. 4, and "Was There a British Empire? The Oxford History of the British Empire from a Canadian Perspective," *Acadiensis*, Vol.32, No.1, Sept. 2002.

American Revolution in 1775 and the eventual loss of the thirteen American colonies, and the reconfiguration of the British Empire in the age of revolution.⁵⁰²

⁵⁰² For some recent studies on this process of imperial reconfiguration, see C.A. Bayly, The Birth of the Modern World, 1780-1914: Global Connections and Comparisons, and Imperial Meridian: The British Empire and the World, 1780-1830; see also P.J. Marshall, The Making and Unmaking of Empires: Britain, India, and America c.1750-1783.

BIBLIOGRAPHY

MANUSCRIPTS

Library and Archives Canada (LAC), MG 11, Colonial Office (CO) 217, Nova Scotia "A", Original Correspondence, Volumes 27 – 69.

Library and Archives Canada (LAC), MG 11, Colonial Office (CO) 218, Entry Books of Commissions, Instructions, Correspondence, etc., Nova Scotia and Cape Breton, Volumes 2 & 3.

Library and Archives Canada (LAC), MG 11, Colonial Office (CO) 219, Acts, Nova Scotia, Volumes 3 – 9.

PRIMARY SOURCES

Bedford, John Russell, Earl, ed. Correspondence of John, Fourth Duke of Bedford, Volumes 1 & 2, London, Longman, Brown, Green, and Longmans, 1842-1846.

Coxe, William, ed. Memoirs of the administration of the Right Honourable Henry Pelham: Collected from the Family Papers, and other Authentic Documents, Volumes 2 & 3. London: Longman, Rees, Orme, Brown, and Green, 1829.

Fergusson, Charles Bruce, ed. Minutes of His Majesty's Council at Annapolis Royal, 1736-1749, Halifax, Public Archives of Nova Scotia, 1967.

Ilchester, Giles Stephen Holland Fox-Strangways, 6th Earl of. Henry Fox, First Lord Holland, his Family and Relations. London, Murray, 1920.

Lewis, W.S., ed. The Yale Edition of Horace Walpole's Correspondence, Volume 19. New Haven, Yale University Press, 1948-1983.

Pitt, William, Earl of Chatham. Correspondence of William Pitt, Earl of Chatham. Volume 1. Ed. by William Stanhope Taylor & Captain John Henry Pringle & pub., from the original manuscripts in their possession. London, J. Murray, 1838-40.

Sedgwick, Romney R., ed. The House of Commons, 1715-1754, Volume 2. London, His Majesty's Stationers Office, 1970.

Simmons, R.C. and P.D.G. Thomas, eds. Proceedings and Debates of the British Parliaments respecting North America, 1754-1783, Volume 1. Millwood, N.Y.: Kraus International Publications, 1982.

Stock, Francis Leo, ed. Proceedings and Debates of the British Parliaments Respecting North America, Volume 5. Washington, D.C., The Carnegie institution of Washington, 1924; New York: Kraus reprint, 1966.

Walpole, Horace. Memoirs of King George II, Volume 1, Edited by John Brooke. New Haven: Yale University Press, 1985.

Warren, Peter, Sir. The Royal Navy and North America: The Warren Papers, 1736-1752. Ed. by Julian Gwyn. London: Navy Records Society, 1975.

SECONDARY SOURCES

MONOGRAPHS

Armitage, David, and Braddick, Michael J., eds. The British Atlantic World, 1500-1800. New York: Palgrave Macmillan, 2002.

Arsenault, Bona. Histoire des Acadiens. Québec: Conseil de la vie Française en Amérique, 1966.

Arsenault, Bona. Louisbourg: 1713-1758. Québec: Conseil de la vie Française en Amérique, 1971.

Bailyn, Bernard. Atlantic History: Concept and Contours. Cambridge, Mass.: Harvard University Press, 2005.

Bailyn, Bernard. The Ideological Origins of the American Revolution. Cambridge, Belknap Press of Harvard University Press, 1971.

Banks, Kenneth. Chasing Empire across the Sea: Communications and the State in the French Atlantic, 1713-1763. Montreal: McGill-Queen's University Press, 2002.

Barnes, Thomas Garden, "As Near as May be Agreeable to the Laws of this Kingdom: Legal Birthright and Legal Baggage at Chebucto, 1749," in Law in a Colonial Society: the Nova Scotia Experience, Peter Waite, Sandra Oxner and Thomas Barnes, eds. Toronto, Ont.: Carswell, 1984, pp.1-23.

Baugh, Daniel. The Global Seven Years War, 1754-1763: Britain and France in a Great Power Contest. Harlow, England; New York: Longman, 2011.

Bayly, Christopher Alan. The Birth of the Modern World, 1780-1914: Global Connections and Comparisons. Malden, MA: Blackwell Pub., 2004.

Bayly, Christopher Alan. Imperial Meridian: The British Empire and the World, 1780-1830. London; New York: Longman, 1989.

Black, Jeremy, ed. Knights Errant and True Englishmen: British Foreign Policy, 1660-1800, Edinburgh: J. Donald, 1989.

Black, Jeremy. Natural and Necessary Enemies: Anglo-French Relations in the Eighteenth Century. Athens: University of Georgia Press, 1987.

Breen, T.H. The Marketplace of Revolution: How Consumer Politics Shaped American Independence. Oxford, Eng.: Oxford University Press, 2004.

Brewer, John, Neil McKendrick, J.H. Plumb, eds. The Birth of a Consumer Society: The Commercialization of Eighteenth-Century England, Bloomington: Indiana University Press, 1982.

Brewer, John. Party Ideology and Popular Politics at the Accession of George III. Cambridge; New York: Cambridge University Press, 1976.

Brewer, John, "Servants of the Public, Servants of the Crown: Officialdom of Eighteenth Century English Central Government," in Rethinking Leviathan: the Eighteenth-Century State in Britain and Germany. London: German Historical Institute; Oxford: Oxford University Press, 1999, pp.127-148.

Brewer, John. The Sinews of Power: War, Money, and the English State, 1688-1783. Cambridge, Mass.: Harvard University Press, 1990.

Buckner, P.A. and J.G. Reid, eds. The Atlantic Region to Confederation: a History. Toronto: University of Toronto Press, 1994.

Burnard, Trevor. "The British Atlantic," in Atlantic History: A Critical Appraisal, Jack P. Greene and Philip D. Morgan, eds. Oxford; New York: Oxford University Press, 2009, pp.111-136.

Bushnell, Amy Turner, Jack P. Greene, "Peripheries, Centers, and the Construction of Early Modern American Empires," in Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820, eds. Christine Daniels and Michael V. Kennedy. New York: Routledge, 2002, pp.1-14.

Butterfield, Herbert. George III and the Historians. London: Collins, 1957.

Cahill, Barry, Jim Phillips, "The Supreme Court of Nova Scotia: Origins to Confederation," in The Supreme Court of Nova Scotia, 1754-2004: From Imperial Bastion to Provincial Oracle. Philip Girard, Jim Phillips, and Barry Cahill, eds. Toronto: University of Toronto Press, 2004, pp.53-139.

Calloway, Colin. The Scratch of a Pen: 1763 and the Transformation of North America. Oxford; New York: Oxford University Press, 2006.

Cannon, John Ashton. Parliamentary Reform 1640-1832. England: Cambridge University Press, 1973.

Colley, Linda. Britons: Forging the Nation, 1707-1837. New Haven: Yale University Press, 1992.

Colley, Linda. Lewis Namier. London, Weidenfeld. 1979.

Conrad, Margaret, ed., Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800. Fredericton, N.B.: Acadiensis Press, 1991.

Cressy, David. Coming Over: Migration and Communication Between England and New England in the Seventeenth Century. Cambridge [Cambridgeshire]; New York: Cambridge University Press, 1987.

Crosby, Alfred. Ecological Imperialism: The Biological Expansion of Europe, 900-1900. Cambridge (Cambridgeshire); New York: Cambridge University Press, 1986.

Dann, Uriel. Hanover and Great Britain, 1740-1760: Diplomacy and Survival, Leicester University Press, 1991.

Dickinson, H.T. The Politics of the People in Eighteenth-Century Britain. Houndmills, Basingstoke, Hampshire: Macmillan Press; New York, N.Y.: St. Martin's Press, 1995.

Gould, Eliga H. The Persistence of Empire: British Political Culture in the Age of the American Revolution. Chapel Hill, N.C.: London: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2000.

Greene, Jack P. Interpreting Early America: Historiographical Essays. Charlottesville: University Press of Virginia, 1996.

Greene, Jack P, "Introduction: Empire and Liberty," in Exclusionary Empire: English Liberty Overseas, 1600-1900. Jack P. Greene, ed. Cambridge; New York: Cambridge University Press, 2010, pp.1-24.

Greene, Jack P. Negotiated Authorities: Essays in Colonial Political and Constitutional History. Charlottesville: University Press of Virginia, 1994.

Greene, Jack P. Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607-1788. Athens: University of Georgia Press, 1986.

Greene, Jack P. "Transatlantic Colonization and the Redefinition of Empire in the Early Modern Era: the British American Experience," in Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820, ed. Christine Daniels and Michael V. Kennedy. New York: Routledge, 2002, pp.267-282.

Grenier, John. The Far Reaches of Empire: War in Nova Scotia, 1710-1760. Norman: University of Oklahoma Press, 2008.

Gwyn, Julian. An Admiral for America: Sir Peter Warren, Vice Admiral of the Red, 1703-1752. Gainesville, FL: University Press of Florida, 2004.

Gwyn, Julian. Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870. Montreal: McGill-Queen's University Press, 1998.

Gwyn, Julian. Frigates and Foremasts: the North American Squadron in Nova Scotia Waters, 1745-1815. Vancouver: UBC Press, 2003.

Gwyn, Julian. The Royal Navy and North America: the Warren Papers, 1736-1752. London: Navy Records Society, 1975.

Haffenden, Philip, "Colonial Appointments and Patronage under the Duke of Newcastle, 1724–1739," in English Historical Review, 1963, LXXVIII, pp.417-435.

Halliday, Paul D. Habeas Corpus: From England to Empire. Cambridge, Mass.: Belknap Press of Harvard University Press, 2010.

Harris, Bob. Politics and the Nation: Britain in the Mid-Eighteenth Century. Oxford: New York: Oxford University Press, 2002.

Hay, Douglas, "Origins: The Courts of Westminster Hall in the Eighteenth Century," in The Supreme Court of Nova Scotia, 1754-2004: From Imperial Bastion to Provincial Oracle. Philip Girard, Jim Phillips, and Barry Cahill, eds. Toronto: University of Toronto Press, 2004, pp.13-29.

Haydon, Colin, Anti-Catholicism in Eighteenth-Century England, c. 1714-80: a Political and Social Study. Manchester; New York: Manchester University Press; New York: Distributed exclusively in the USA and Canada by St. Martin's Press, 1993.

Henretta, James. "Salutary Neglect": Colonial Administration under the Duke of Newcastle. Princeton, N.J.: Princeton University Press, 1972.

Hoppit, Julian. A Land of Liberty?: England, 1689-1727. Oxford: Oxford University Press, 2002.

Jobb, Dean. The Acadians: A People's Story of Exile and Triumph. Mississauga, Ont.: J. Wiley & Sons Canada, 2005.

Karsten, Peter. Between Law and Custom: "High" and "Low" Legal Cultures in the Lands of the British Diaspora- the United States, Canada, Australia, and New Zealand, 1600-1900. Cambridge, England: Cambridge University Press, 2002.

Kenyon, John Philipps. The History Men: The Historical Profession in England Since the Renaissance. London: Weidenfeld and Nicolson, Second Edition, 1993.

Lahaise, Robert. La Nouvelles-France, 1524-1760. Avec la collaboration de Denis Heroux et la Noel Vallerand. Montreal: Hurtubise, 1977.

- Landry, Nicolas. Histoire de l'Acadie. Sillery, Québec: Septentrion, 2001.
- Langford, Paul. A Polite and Commercial People: England 1727-1783. London: Guild Pub.; Oxford; New York: Oxford University Press, 1989.
- Langford, Paul. Public Life and the Propertied Englishman, 1689-1798, Oxford: Clarendon Press; New York: Oxford University Press, 1991.
- Lawson, Philip. The Imperial Challenge: Quebec and Britain in the Age of the American Revolution. Kingston, ON, 1990.
- Lawson, Philip, ed. Parliament and the Atlantic Empire. Edinburgh: Edinburgh University Press for the Parliamentary History Yearbook Trust, 1995.
- Laxer, James. The Acadians: In Search of a Homeland. (Toronto): Doubleday Canada, 2006.
- Lockerby, Earle. Deportation of the Prince Edward Island Acadians. Halifax: Nimbus Pub., 2008.
- Louis, Wm. Roger. The Oxford History of the British Empire, Vols.1-5. Oxford (England); New York: Oxford University Press, 1998.
- Mancke, Elizabeth, "Colonial and Imperial Contexts," in The Supreme Court of Nova Scotia, 1754-2004: From Imperial Bastion to Provincial Oracle. Philip Girard, Jim Phillips, and Barry Cahill, eds. Toronto: University of Toronto Press, 2004, pp.30-50.
- Mancke, Elizabeth and John G. Reid, "Elites, States and the Imperial Contest for Acadia," in The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions. Toronto: University of Toronto Press, 2004, pp.25-47.
- Mancke, Elizabeth. The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760-1830. New York, NY: Routledge, 2005.
- Mancke, Elizabeth, "The Languages of Liberty in British North America, 1607-1776," in Exclusionary Empire: English Liberty Overseas, 1600-1900. Jack P. Greene, ed. Cambridge; New York: Cambridge University Press, 2010, pp.25-49.
- Mancke, Elizabeth, "Negotiating an Empire: Britain and its Overseas Peripheries, c.1550-1780," in Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820, ed. Christine Daniels and Michael V. Kennedy. New York: Routledge, 2002, pp.235-266.
- Mapp, Paul. The Elusive West and the Contest for Empire, 1713-1763. Chapel Hill: University of North Carolina Press; Williamsburg, Va.: Published for the Omohundro Institute of Early American History and Culture, 2011.

Marshall, Peter James. The Making and Unmaking of Empires: Britain, India, and America c.1750-1783. Oxford: Oxford University Press, 2005.

McNeill, John Robert. Atlantic Empires of France and Spain: Louisbourg and Havana, 1700-1763. Chapel Hill: University of North Carolina Press, c1985.

Middleton, Richard, Colonial America: A History, 1565-1776, Oxford; Malden, MA: Blackwell, 2002.

Moody, Barry, "Making a British Nova Scotia," in The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions. Toronto: University of Toronto Press, 2004, pp.127-154.

Murdoch, Beamish, "An Essay on the Origin and Sources of the Law in Nova Scotia," (1863), in Law in a Colonial Society: the Nova Scotia Experience, Peter Waite, Sandra Oxner and Thomas Barnes, eds. Toronto, Ont.: Carswell, 1984, pp.185-196.

Namier, Sir Lewis Bernstein. England in the Age of the American Revolution. New York, St. Martin's Press: Macmillan, 1961.

Namier, Sir Lewis Bernstein. The Structure of Politics at the Accession of George III, London: Macmillan, 1961.

Newman, Gerald. The Rise of English Nationalism: A Cultural History, 1740-1830. New York: St. Martin's Press, 1987.

Offut, William, "The Atlantic Rules: The Legalistic Turn in Colonial British America," in The Creation of the British Atlantic World. Elizabeth Mancke and Carole Shammas, eds. Baltimore: Johns Hopkins University Press, 2005, pp.160-181.

O'Gorman, Frank. The Long Eighteenth Century: British Political and Social History, 1688-1832. London; New York: Arnold; New York: Distributed exclusively in the USA by St Martin's Press, 1997.

O'Gorman, Frank. Voters, Patrons, and Parties: The Unreformed Electoral System of Hanoverian England 1734-1832. Oxford: Clarendon Press; New York: Oxford University Press, 1989.

Olson, Alison Gilbert, Making the Empire Work: London and American interest groups, 1690-1790, Cambridge, Mass.: Harvard University Press, 1992.

Oxner, Sandra E, "The Lower Court of Nova Scotia," in Law in a Colonial Society: the Nova Scotia Experience, Peter Waite, Sandra Oxner and Thomas Barnes, eds. Toronto, Ont.: Carswell, 1984, pp.59-79.

Pares, Richard. King George III and the Politicians, Oxford (Eng.) Clarendon Press, 1953.

Pares, Richard. Yankees and Creoles: the Trade Between North America and the West Indies Before the American Revolution. Hamden, Conn. Archon Books, 1968.

Patterson, Stephen E., "1744-1763, Colonial Wars and Aboriginal Peoples," in The Atlantic Region to Confederation: a History. Phillip A. Buckner and John G. Reid, eds. Toronto: University of Toronto Press, 1994, pp.125-155.

Phillips, John A. Electoral Behavior in Unreformed England: Plumpers, Splitters, and Straights. Princeton, N.J.: Princeton University Press, 1982.

Prest, Wilfred R. Albion Ascendant: English History, 1660-1815. Oxford; New York: Oxford University Press, 1998.

Price, Jacob M, "The Imperial Economy, 1700-1776," in The Oxford History of the British Empire, Volume II. Wm. P.J. Marshall ed. Oxford, England; New York: Oxford University Press, 1998, pp.78-104.

Price, Richard. British Society, 1680-1880: Dynamism, Containment, and Change. Cambridge, U.K.; New York: Cambridge University Press, 1999.

Reid, John G. and E. Baker, "Amerindian Power in the Early Modern Northeast: A Reappraisal," in Essays on Northeastern North America, Seventeenth and Eighteenth Centuries. Toronto: University of Toronto Press, 2008, pp.129-152.

Reid, John G, "Change and Continuity in Nova Scotia, 1758-1775," in Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800, Margaret Conrad, ed. Acadiensis Press, Fredericton, New Brunswick, 1991, pp.45-59.

Reid, John G, "The Conquest of Acadia: Narratives," in The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions. Toronto: University of Toronto Press, 2004, pp.3-22.

Reid, John G. Essays on Northeastern North America, Seventeenth and Eighteenth Centuries. Toronto: University of Toronto Press, 2008.

Reid, John G, "Imperialism, Diplomacies, and the Conquest of Port Royal, 1710," in Essays on Northeastern North America: Seventeenth and Eighteenth Centuries. Toronto: University of Toronto Press, 2008, pp.103-125.

Reid, John G. "*Pax Britannica or Pax Indigena?*: Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification," in Essays on Northeastern North America, Seventeenth and Eighteenth Centuries. Toronto: University of Toronto Press, 2008, pp.171-190.

Reid, John G. et al., "Introduction," in The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions. Toronto: University of Toronto Press, 2004, pp.ix-xxiii.

- Rhoden, Nancy, ed. English Atlantics Revisited: Essays Honouring Professor Ian K. Steele. Montreal: McGill-Queen's University Press, 2007.
- Ross, Sally. The Acadians of Nova Scotia Past and Present. Halifax, N.S.: Nimbus, 1992.
- Sarson, Steven. British America, 1500-1800: Creating Colonies, Imagining an Empire. London: Hodder Arnold; New York: Distributed in the USA by Oxford University Press, 2005.
- Seed, Patricia. Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640. Cambridge; New York: Cambridge University Press, 1995.
- Shy, John, "The American Colonies in War and Revolution, 1748-1783," in The Oxford History of the British Empire, Volume II. Wm. P.J. Marshall ed. Oxford, England; New York: Oxford University Press, 1998, pp.300-324.
- Simms, Brendan. Three Victories and a Defeat: The Rise and Fall of the First British Empire, 1714-1783. London; New York: Allen Lane, 2007.
- Simmons, Richard C. The American Colonies: From Settlement to Independence. New York: D. McKay Co, 1976.
- Sosin, Jack M. English America and Imperial Inconstancy: the Rise of Provincial Autonomy, 1696-1715. Lincoln: University of Nebraska Press, 1985.
- Sosin, Jack, M. English America and the Revolution of 1688: Royal Administration and the Structure of Provincial Government. Lincoln: University of Nebraska Press, 1982.
- Speck, William Arthur. Stability and Strife: England, 1714-1760. London: E. Arnold, 1977.
- Steele, Ian Kenneth. The English Atlantic, 1675-1740: An Exploration of Communication and Community. New York: Oxford University Press, 1986.
- Steele, Ian, Kenneth. "The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689-1784," in The Oxford History of the British Empire, Volume II. Wm. P.J. Marshall ed. Oxford, England; New York: Oxford University Press, 1998, pp.105-127.
- Steele, Ian Kenneth. Politics of Colonial Policy: The Board of Trade in Colonial Administration 1696-1720. Oxford: Clarendon P., 1968.
- Thomas, Peter David Garner. British Politics and the Stamp Act Crisis: The First Phase of the American Revolution 1763-1767. Oxford; New York: Clarendon press, 1975.
- Thomas, Peter David Garner. Tea Party to Independence: The Third Phase of the American Revolution, 1773-1776. Oxford: Clarendon Press; New York: Oxford University Press, 1991.

Thomas, Peter David Garner. The Townshend Duties Crisis: The Second Phase of the American Revolution, 1767-1773. Oxford (Oxfordshire): Clarendon Press; New York: Oxford University Press, 1987.

Thompson, Edward Palmer. Customs in Common. New York: New Press: 1993.

Weaver, John C. The Great Land Rush and the Making of the Modern World, 1650-1900. Montreal: McGill-Queen's University Press, 2003.

SCHOLARLY ARTICLES

Brooke, John, "Namier and Namierism," History and Theory, Vol.3, No.3, 1964, pp.331-347.

Buckner, Phillip, "Was There a British Empire? The Oxford History of the British Empire from a Canadian Perspective," Acadiensis, Vol.32, No.1, Sept 2002.

Buckner, Phillip, "Whatever Happened to the British Empire?" Journal of the Canadian Historical Association, 1993, Vol. 4, pp.3-32.

Connors, Richard. "The Grand Inquest of the Nation: Select Committees and Social Policy in Eighteenth-Century England," Parliamentary History, 14, 3 (1995), pp.285-313.

Connors, Richard. "Parliament and Poverty in Hanoverian England," Parliamentary History, 21, 2 (2002), pp.207-231.

Greene, Jack P, "Competing Authorities: The Debate over Parliamentary Imperial Jurisdiction, 1763-1776," Parliamentary History, Vol. 14 Issue 1, February 1995, pp.47-63.

Harris, Bob, "Patriotic Commerce and National Revival: The Free British Fishery Society and British Politics (c.1749-58)," English Historical Review, Volume 114, 1999, pp.285-313.

Kemp, Betty, "Crewe's Act, 1782," English Historical Review, Volume 68, 1953, pp.258-263.

Langford, Paul, "Property and 'Virtual Representation' in Eighteenth Century England," The Historical Journal, Vol. 31, issue 1, 1988, pp.83-115.

Lawson, Philip, "The Missing Link: The Imperial Dimension in Understanding Hanoverian Britain," The Historical Journal, Vol. 29, No. 3, Sept, 1986, pp.747-751.

Lawson, Philip, "Sources, Schools, and Separation: The Many Faces of Parliament's Role in Anglo-American History to 1783," Parliamentary History, Edinburgh University Press, Feb1995, Vol. 14, Issue 1, pp.5-27.

Lennox, Jeffers, 'An Empire on Paper: The Founding of Halifax and Conceptions of Imperial Space, 1744-55'. Canadian Historical Review, 88:3 (2007), 373-412.

MacNutt, William Stewart, "The Beginnings of Nova Scotia Politics, 1758-1766," in Canadian Historical Review, Vol. 16, March 1935, pp. 41-53.

Steele, Ian Kenneth, "The British Parliament and the Atlantic Colonies to 1760: New Approaches to Enduring Questions," Parliamentary History, Vol. 14 Issue 1, February 1995, pp.29-46.

SCHOLARLY THESES

Connors, Richard. Pelham, Parliament and Public Policy, 1746-1754. PhD Thesis, Cambridge University, 1993.