

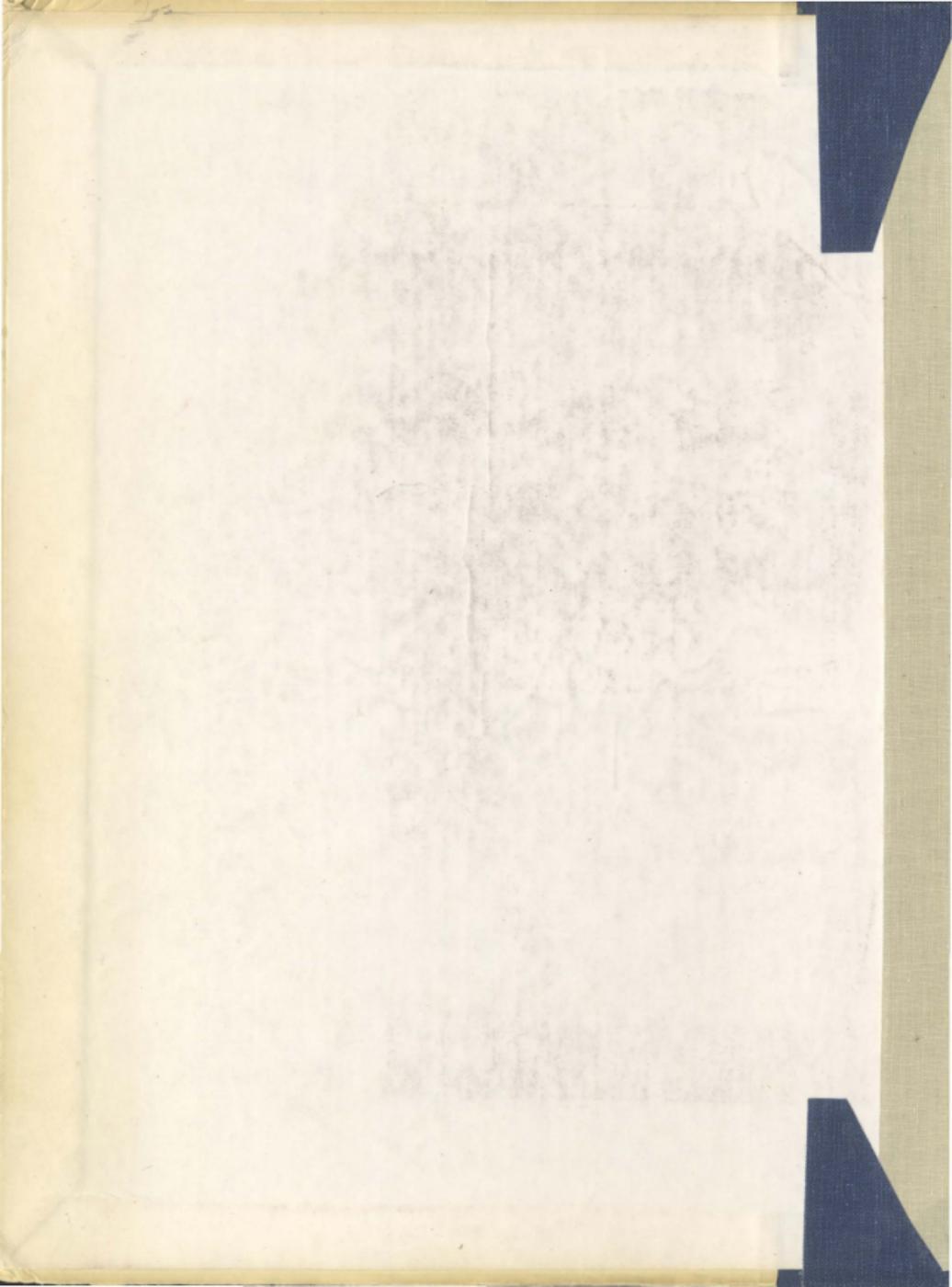
A POLITICAL HISTORY OF NEWFOUNDLAND
1865-1874

CENTRE FOR NEWFOUNDLAND

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W. DAVID MacWHIRTER B.A.



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A Political History of Newfoundland,

1865 - 1874

by

W. David MacWhirter B.A.

A thesis submitted in partial fulfilment
of the requirements for the degree of
Master of Arts, Memorial University of
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Date J

ABSTRACT

In the politics of Newfoundland, during the first ten years of Responsible Government (1855-1865), sectarianism played a very important role. From 1865 to ¹⁸⁶⁹1870, however, during F.B.T. Carter's first Administration, this role was lessened. Carter included Roman Catholics in his Executive Council and, with the development of the Confederation issue, sectarianism was relegated to a position of relative insignificance.

In 1869, Charles Fox Bennett led his Anti-Confederate Party to an overwhelming victory at the polls. The Anti-Confederates won the election by playing on the fears of the electorate - fears of increased taxation, of military conscription, and of the loss of independence. As the result of a vigorous and exhaustive campaign, the Anti-Confederates won seventy per cent of the seats in the House of Assembly. Many of these members were inexperienced, however, and most of the leaders represented Roman Catholic Districts.

Gradually the Confederates, realizing the impossibility at that time of effecting a union with Canada, turned again to sectarianism. Bennett's Party, although it tried, was unable to quell the growing demand for a Protestant

Government. In an attempt to divide the Protestants, Bennett condemned the Orange Society as undesirable. This was a miscalculation. Little if any, support was gained and the Orangemen were further alienated. The Government, which was often ineffective, stagnated. It was involved in a dispute with the New York, Newfoundland, London Telegraph Company and its Act giving effect to the Washington Treaty was disallowed. In addition to these problems, rumors of misappropriations of public funds became prevalent.

In the election of 1873, Bennett was returned to power with a majority of only three. Notwithstanding this, before the House of Assembly met, two members of the Government Party withdrew from the House and one member joined the Opposition. Bennett's Government resigned and Carter came to power. In the election of 1874, the Protestant Districts supported Carter's Party and the Roman Catholic Districts supported Bennett. Sectarianism was again as important as it had been before Carter had come to power in 1865. Politics in Newfoundland had come full cycle.

This thesis has been examined and approved by

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PREFACE

One of the most glaring characteristics of politics in Newfoundland has been the importance of sectarianism. It has led to disorder and killing with a persistency that is more than striking. For a time it seemed as if the question of union with Canada would serve to end, or at least to modify, this role. The period during which Confederation was first discussed in Newfoundland is, therefore, a rather significant one. It is, too, a period which has not hitherto been studied fully. Edward C. Moulton's M.A. thesis deals with the period 1861 to 1869 but ends when Confederation rather than sectarianism was the major issue in the colony's politics.

* The period under study in this thesis begins in 1865, because it was then that the question of union with Canada began to replace sectarianism as the major political issue in the colony. It ends in 1874 because by that year sectarianism had re-emerged with all of its previous importance causing the defeat early in that year of Charles Fox Bennett's Party only four years after its overwhelming victory at the polls.

The spelling of proper nouns in this thesis is that to be found in documents of the time and is not necessarily

the same as that used today. The punctuation, spelling, and capitalization in all quotations is that of the documents. The bibliography lists all material used in the preparation of this thesis whether or not direct reference is made in the text or footnotes. In general, the style followed in this thesis is that recommended in Scholarly Reporting in the Humanities, published by the Humanities Research Council of Canada (1958).

I am indebted to the following people: to the President of Memorial University of Newfoundland for awarding me graduate fellowships which financed my research; to Dr. G. O. Rothney for his supervision and suggestions; and to the staffs of the University Library, the Gosling Memorial Library, and the Newfoundland Archives for their assistance. I should like to thank them very much.

W.D.M.
March 10, 1963.

ABBREVIATIONS

App.	Appendix
c.	chapter
C.O.	Colonial Office
D.N.B.	Dictionary of National Biography
ed.	editor, edition
f.	footnote
n.d.	no date
No.	Number
p.	page
pp.	pages
Rev.	Reverend
rev.	revised
<u>sic</u>	Thus in the original.
Vic.	Victoria
Vol.	Volume

CHAPTER I

THE CONFEDERATION ISSUE

During the ten years following the introduction of Responsible Government into Newfoundland in 1855, political divisions in that colony had been based primarily upon religion.¹ Roman Catholics generally had supported the Liberal Party and Protestants generally had been Conservatives. This was true probably because there were so few continuing issues in Newfoundland politics. Confederation, however, ranked with Responsible Government as being one of the most important questions to face the colony. Responsible Government, because it involved representation, was closely related to the problem of sectarian differences. Confederation, on the other hand, had no direct connexion with religion. With the growing importance of Confederation, therefore, it was probable that religious differences, becoming of secondary importance, would no longer constitute the basis of division in politics.

From the beginning, the question of the union of British North America seemed to be fraught with significance for Newfoundland. The "Durham Report" had stated that it was essential that Newfoundland unite with the other British North American colonies in order "to secure any proper

¹C.O. 194/174, Musgrave to Cardwell, No. 42, April 19, 1865.

attention to ... [her] interests."¹

Nevertheless, Newfoundland was not invited, and did not send a delegate, to the Charlottetown Conference in 1864. In the summer of that year, however, Hugh Hoyles, Premier of Newfoundland, visited Halifax. While there, he expressed a personal interest in union,² and as a result, Newfoundland was invited to send delegates to the Conference to be held in Quebec in October, 1864.³ However, circumstances in Newfoundland prevented Hoyles, himself, or any member of his Executive Council from attending the Conference.

Newfoundland's House of Assembly had ended its 1864 session on April 13 and had not discussed and had no policy concerning the question of union. In addition, a new governor was expected to arrive in the colony in September or October and the Executive Council wanted to remain in St. John's to welcome him.⁴ Having considered these two facts, the Executive Council decided to send F.B.T. Carter, the Speaker in the Assembly, and Ambrose Shea, the Leader of the

¹John G. Lambton, Lord Durham: Report on the Affairs of British North America (printed by order of the House of Commons), February 11, 1839, p. 114.

²Minutes Executive Council, 1861-69, September 12, 1864.

³Journal House of Assembly of Newfoundland, 1865, App. p. 846, John A. Macdonald to Hoyles, September 12, 1864.

⁴C.O. 194/173, O'Brien to Cardwell, No. 49, September 20, 1864.

Opposition. Because neither of the delegates was a member of the Government, they were given no power to "bind or pledge" Newfoundland to union. They were authorized "merely to discuss the subject ... reporting fully to the Government as may be necessary", but reserving to the Newfoundland Legislature "the fullest right and power of assenting, of dissenting from, or if advisable of proposing modifications" to any terms that might be proposed to them.¹

Carter and Shea returned to Newfoundland on November 14, 1864, but neither delegate made any public statement supporting the proposed union until the House of Assembly opened.² However, their reports of the Conference appeared in two St. John's newspapers, the Newfoundlander on December 1, and the Royal Gazette on December 6. Until then, while no one in Newfoundland had publicly endorsed the scheme, neither had anyone pointedly condemned it.

One of the first public condemnations of union was made by Charles Fox Bennett, a local merchant and mining speculator who had been an outspoken Conservative in the Legislature during the debates on Responsible Government. In a letter to the editor of the Newfoundlander, he wrote:

¹C.O. 194/173, Instructions to Carter and Shea enclosed in O'Brien to Cardwell, No. 49, September 20, 1864.

²Public Ledger, February 10, 1865, Proceedings House of Assembly, February 1, 1865.

I ... more than doubt the wisdom of this colony [sic] becoming a party to that measure, for the reason that our interests and theirs are not identical The railways, canals and great public works required in the Provinces, to say nothing of the military works of defence involving an immense amount of expense, cannot possibly be of any use to this colony. The sending of delegates to Canada, apart from the proportional amount of revenue which we should have to contribute towards the support of the Confederate Government would entail a very heavy expense, and not the least disadvantage that we should suffer from joining the Confederacy would be the sacrifice of our independent legislation and the control of our own rich colonial resources for the benefit of that nationality which, so far as I can at present conceive, can confer but few and trifling benefits on us.¹

The editor of the Newfoundlander, Edward Dalton Shea, who, like his brother, Ambrose, was a Liberal member of the Assembly, took up the issue in support of Confederation. In reply to Bennett's letter, Shea stated that although in the recent past progress had been made in political institutions, there was little cause for satisfaction. Increased population had not been accompanied by a corresponding means of supporting it, and "the sad and notorious result", the editor wrote, was that pauperism was taking a place in Newfoundland "as a permanent institution." The editor of the Newfoundlander thought that Newfoundland's power of production had reached its limit and argued, therefore, that increased taxes would not produce an increase of

¹The Newfoundlander, December 5, 1864, Bennett to the editor, December 2, 1864.

revenue but would leave the Government in a financial deadlock. In addition, the "old trade is still unchanged", the editor wrote, "the money realized in the colony is as of ~~you~~ ^{it} taken away and spent ^{it} elsewhere - we now neither blame nor approve the practice, we speak solely of the fact as one which forbids us to hope that local means will be employed in drawing out local resources." This, Shea thought, was enough to warrant Newfoundland's support of Confederation.¹

Governor Anthony Musgrave, who had arrived in St. John's on October 3, 1864, opened the Newfoundland Legislature on January 27, 1865. In his Speech from the Throne he informed the Legislature of the Imperial Government's general approval of the proceedings of the Quebec Conference, of which he had been informed by Cardwell.² Concerning union he said, "Its bearing upon the immediate welfare of the population of Newfoundland will, no doubt, most concern you, but future beneficial consequences likely to flow from the arrangement, if carried into effect, will not escape your inquiry."³

¹The Newfoundlander, December 8, 1864.

²Cardwell, Edward (1813-1866). Secretary of State for the Colonies, April, 1864, to June, 1866, in the second Palmerston and the second Russell Ministries. (D.N.B., III, 952-954).

Despatches from the Colonial Office 1864, Cardwell to Monck, No. 93, December 3, 1864, enclosed in Cardwell to Musgrave, No. 21, December 8, 1864.

³Journal House of Assembly of Newfoundland, January 27, 1865, p. 6.

Before the Assembly had discussed the question in Committee of the Whole, however, it was presented with two petitions, one on February 20, from a public meeting of the citizens of St. John's, and one on February 13, from members of the Commercial Society. Both petitions asked for a postponement of a decision until after the next general election. The petition from the Commercial Society stated "that any union, to be mutually beneficial, must be founded upon a uniformity of interests and objects; and that so far as the limited information of Petitioners extended, no such uniformity existed between Canada and this colony." ¹

Despite the fact that a series of resolutions supporting Confederation had already been drafted for adoption by the Legislature, the Government found that there was little hope that the Assembly would adopt them. Because of the opposition expressed in both the House and the newspapers of the colony, the Assembly adopted a resolution stating that "having regard to the comparative novelty and very great importance of this project, it is desirable that before a vote of the Legislature be taken upon it, it should be submitted to the consideration of the people at large... ." The resolution therefore recommended that a final decision on the subject be deferred until the next meeting of the Legislature.²

¹ Journal House of Assembly of Newfoundland, February 13, 1865, p. 23.

² Journal House of Assembly of Newfoundland, March 6, 1865, pp. 37-38.

This was a far cry from the general approval of the scheme proposed in the abandoned draft resolution.¹ Indeed, even the members of the Assembly who advocated Confederation insisted that the subject be referred to the constituencies for a final decision.²

That the resolution did not affirm the principle of union indicates that there was far from united support for Confederation even within Hoyles' own Party. Ambrose Shea, at that time Leader of the Opposition thought that, while the question of union should be decided finally at an election, the Assembly should have adopted a resolution "affirming the principles contained in the Report of the Quebec Conference."³ If Hoyles had been able to count on the support of his Party, it seems that this would have been a reasonable course. Some members of his Party had openly opposed Confederation, however, and one of them, F.J. Wyatt, had presented the petition from the Commerical Society and supported it strongly.⁴ Stephen March, another Government supporter, agreed with Wyatt's petition and criticized Ambrose Shea for pressing Confederation: "If he [Shea] could have carried it, he would have passed it

¹ Sir John A. Macdonald Papers, Vol. 50, Despatches and Minutes of Council, 1862-1868.

² The Newfoundlander, February 16, 1865.

³ Public Ledger, March 3, 1865, Proceedings House of Assembly, February 21, 1865.

⁴ Public Ledger, March 10, 1865, Proceedings, House of Assembly, February 13, 1865.

through the House. But he found that public opinion was excited against him, and therefore he said its decision ought to be postponed until next year." ¹ In the Legislative Council, as well, Government supporters opposed an immediate decision. Robert J. Pinsent went as far as to move a resolution stating that Newfoundland's entry into Confederation on the terms proposed in the report of the Quebec Conference, would be "detrimental to the best interests of the colony, and ought to be resisted." ² As early as February 7, the editor of the Public Ledger, a Conservative newspaper, expressed doubt as to the merits of union. Observing that a great diversity of opinion existed concerning Confederation, the editor wrote that such diversity implied a "very great doubt" as to the benefits to be derived from its adoption, and if only because of that, it would require a "very great sifting of the measure before any determination can be satisfactorily arrived at." ³ This seems to have been the most prevalent opinion at that time.

/ It was already apparent, however, that a change was occurring in Newfoundland's politics. That change was observable even at the time. In 1865, the Conservative member for

¹ Public Ledger, March 10, 1865, Proceedings House of Assembly, February 13, 1865.

² Public Ledger, February 17, 1865, Proceedings Legislative Council, February 13, 1865.

³ Public Ledger, February 7, 1865.

Burgeo and Lapoile, Daniel Woodley Prowse observed:

Already the old landmarks of party have been destroyed We find the hon. member Mr. Glen in double harness with Mr. C.F. Bennett, the Ledger and the Patriot newspapers hand in hand; and a still more wonderful and affecting sight, the merchants, whom hon. gentlemen opposite have spent their lifetime in denouncing as grinders and oppressors of the poor, have formed a solemn league and covenant with their natural enemies the radicals.¹

In the light of this opposition, it probably seemed as if any resolution stronger than the one adopted would have been futile, if not impossible, to carry.

Governor Musgrave, in his address at the closing of the Legislature, accepted the resolution of the Assembly as, in the light of the opposition, the best course of action. Nevertheless, he did not fail to take advantage of the opportunity to stress the desirability of eventual union. He told the Legislature that the British nation had a right to expect the colony to accept "their legitimate portion of the charges and responsibilities which are the inevitable concomitants of self-government and free institutions;" and that the Imperial Government regarded with favour "a project of union which will mutually and materially strengthen each for sustaining the burden which must be borne by all."² Soon after this speech, there was a concerted effort to strengthen the Government Party, probably with the aim of carrying the Confederation cause at the next election.

¹ Public Ledger, February 17, 1865, Proceedings House of Assembly, February 6, 1865.

² Journal House of Assembly of Newfoundland, 1865, p.135.

In April, Hugh Hoyles resigned the Premiership to become Chief Justice of Newfoundland.¹ F.B.T. Carter then became Premier and formed a Coalition Government which included, as well as Protestant Conservative members of the Assembly, two Roman Catholic Liberals, Ambrose Shea and John Kent. Although the ostensible purpose of the coalition was to end religious strife in Newfoundland's politics,² it is noteworthy that each of these Liberals was among the strongest supporters of Confederation at the time. The previous year had not been one of religious strife in the colony, but on the contrary, there had been comparatively little religious bickering within the past two years. The editor of the Public Ledger, himself at that time an Anti-Confederate and a Conservative, saw no reason for a coalition.³

The only Liberal newspaper in 1865, other than the Newfoundlander, owned by E.D. Shea, was the Patriot, whose editor was Robert John Parsons, Liberal member for St. John's East. At the formation of the new Government in April, Parsons expressed his desire to give the coalition a fair trial. He thought, however, that if the coalition were to be effective

¹Minutes of the Executive Council, April 15, 1865, p. 314.

²C.O. 194/174, Musgrave to Cardwell, No. 42, April 19, 1865.

³Public Ledger, April 14, 1865.

in ending religious strife, it should have the support of more than two Liberals.¹ After waiting a month to see whether the Government would seek the support of the other Liberals, Parsons wrote that the Government did not seem "to evince any intention" of going further than they had already gone. "If such be the case", he wrote, "it is very unsatisfactory and cannot meet the support of the Liberal Party".² If the Coalition had been formed really to end religious strife, it seems strange that most of the representatives of Roman Catholic Districts were not even invited to join. A little later two newspapers, the Public Ledger, which became Confederate in 1866, and the Morning Chronicle, Anti-Confederate, said that the basis of the coalition had been Confederation.³

It appeared that sectarianism was being replaced by Confederation as the basis for party differences. Already three Roman Catholic Liberals had joined the Protestant Conservative Party. It remained only for the Protestant Anti-Confederates to join the Opposition. Their slowness in doing this may be explained by the attraction of office and patronage in the Government Party. The transition was not completed before the election.

¹ Patriot, May 9, 1865.

² Patriot, June 6, 1865.

³ Public Ledger, September 10, 1867 and Morning Chronicle, June 2, 1866.

One of the objects of the election held in November, 1865, presumably was to give the constituents an opportunity to decide on the Confederation question. On that issue, however, it was in no way conclusive. E. D. Shea decided not to run in his District of Ferryland because of expressed opposition to Confederation.¹ John Kent contested the election in St. John's East but promised the electors that "finding the opinion of the community adverse to the change", he would "no longer be its advocate".² In the Assembly, however, he continued his support of union.³ Thus, one Confederate Liberal was not re-elected and another was forced into a position which could lead to his defeat at the next election. * In addition, Carter found that his Party like that of Hoyles contained Anti-Confederates. The Solicitor General, John Hayward, stated in the new Assembly that he intended to vote against Confederation.⁴ F. J. Wyatt still gave general support to the Government, but remained opposed to Confederation. Shortly after the election, the Morning Chronicle reported that there were sixteen Anti-Confederates

¹Newfoundlander, November 6, 1865.

²Newfoundlander, October 2, 1865.

³Public Ledger, March 6, 1866, Proceedings House of Assembly, February 16, 1866.

⁴Newfoundlander, March 5, 1866, Proceedings House of Assembly, February 13, 1866.

in the Assembly.¹ Eight of these normally supported Carter's Government. Thus, on the question of Confederation the Government Party was as divided after the election as it had been before.

A consolation to Carter must have been the fact that he was able to number among his supporters several Roman Catholic Confederates in addition to Ambrose Shea and John Kent. Thomas O'Rielly and Pierce M. Barron, both Roman Catholics, with Ambrose Shea represented the Roman Catholic District of Placentia and St. Mary's. John Casey, member for St. John's West, also supported Carter's Government and although nominally an Anti-Confederate abstained from voting rather than oppose Confederation in the Assembly.² This meant that although the Government Party was a mixture of Confederates and Anti-Confederates, the Opposition was, as before the election, entirely Anti-Confederate.

Nevertheless, the Speech from the Throne, delivered on January 30, 1866, left no doubt as to the Government's policy on Confederation. The Governor told the Legislature that he believed that the general principles on which union was to be based were so obvious "as to be almost necessarily acknowledged." He thought that any question which might be raised would affect only the terms on which such a union might

¹Morning Chronicle, November 28, 1865.

²Morning Chronicle, June 1, 1866.

be accomplished.¹

The Address in Reply proposed agreement with the Governor on the advantages of union and promised that the measure would be given serious attention.² This caused considerable discussion in the House of Assembly. The Anti-Confederates objected on the ground that it gave general approval to Confederation. Thomas Glen, acting as Leader of the Opposition, proposed an amendment stating that as the representatives of the people of Newfoundland, the members of the Assembly "could not think for a moment ... the giving up the advantages ... of a separate government" Glen objected to Confederation on two grounds. First, he thought that the Quebec Convention implied that the Federal Government would undertake extensive and costly work which would impose heavy taxation on Newfoundland and offer nothing in return because of Newfoundland's isolation. Second, he thought to be inadequate the amount to be paid to Newfoundland as compensation for the surrender of its separate government; revenue from import duties, crown lands, mines and minerals; and the power of taxation. Finally, his resolution said that "the Report of the Quebec Convention ... is in no respect suitable to Newfoundland and would, if accepted, prove inimical to the prosperity, happiness and well-being of

¹ Journal House of Assembly of Newfoundland, January 30, 1866, p. 10.

² Journal House of Assembly of Newfoundland, February 16, 1866, p. 29.

its inhabitants".¹ These resolutions were lost but opposition to Confederation had not been stopped. The Government was saved further embarrassment only when the Solicitor General, John Hayward, himself an Anti-Confederate, proposed a compromise amendment. This amendment agreed with the Governor's speech that the abstract advantages of union were obvious, but stated that "with regard to Newfoundland and in the details of so grave a measure, much diversity of opinion prevailed". Therefore, the members promised to give Confederation their serious attention.² This could hardly be considered a victory for the Confederates. In moving his amendment, the Solicitor General made it clear that he intended his amendment to show that there was "not only a diversity of opinion with regard to the details, but also to the very principle itself." At that time he categorically stated that he opposed the Quebec Resolutions and the principle of union itself as applied to Newfoundland.³

Later in the session, after discussing Confederation in Committee of the Whole, the members of the Assembly reported that they "did not deem it expedient" to enter into

¹Journal House of Assembly of Newfoundland, February 16, 1866, p. 30.

²Newfoundlander, March 8, 1866, Proceedings House of Assembly, February 16, 1866.

³Public Ledger, March 6, 1866, Proceedings House of Assembly, February 16, 1866.

a discussion of Confederation "with a view to any decision thereon".¹ Again the Opposition moved an amendment, stating that the circumstances of Newfoundland presented "insuperable difficulties" to the adoption of the proposed Confederation. This amendment also was lost, since it received the support of only the seven Opposition members.² Notwithstanding the defeat of the Anti-Confederate amendment, the Assembly was no nearer a decision at the end of the session than it had been at the beginning.

The Governor, having been thwarted in his attempts since 1864 to obtain a decision on Confederation, tried, at the closing of the Legislature, to prepare for a settlement of the problem in 1867. At the opening of the 1866 session he had had no doubts but that Newfoundland would join the other provinces.³ As the session closed, however, he could tell the members only that "it will remain for you, when you next meet, to finally consider and decide upon this question...".⁴

After the session ended, the Confederates met with increased opposition forcing the postponement of the Government's policy. On April 9, 1866, the House of Assembly

¹Journal House of Assembly of Newfoundland, March 8, 1866, p. 68.

²Journal House of Assembly of Newfoundland, March 8, 1866, p. 69.

³See above, p. 14.

⁴Journal House of Assembly of Newfoundland, May 1, 1866, p. 197.

had passed a Bill separating the Chairmanship of the Board of Works from the Office of Surveyor General. This made necessary the appointment of another member to the Executive Council. John Casey, member for St. John's West, was given the post, and early in June, the necessary by-election was held. This campaign brought Confederation to the fore. The Morning Chronicle charged that Casey had broken faith with his constituents on the question of Confederation. According to the Morning Chronicle, when Thomas Glen had proposed his amendment to the Address in Reply,¹ Casey had left the Chamber rather than record his vote against Confederation.² Although the Newfoundlander includes Casey's name in the proceedings as voting "nay",³ the Journal of the House does not include his name as one of the voters.⁴ The editor of the Morning Chronicle reminded the voters on the day before the by-election that Casey was a member of the Confederate Party and that Brennan, his opponent, was an Anti-Confederate.⁵ The Morning Chronicle charged that Carter's Government had been formed to carry Confederation and when Casey was defeated

¹ See above, p. 15.

² Morning Chronicle, June 1, 1866.

³ Newfoundlander, March 8, 1866, Proceedings House of Assembly, February 16, 1866.

⁴ Journal House of Assembly of Newfoundland, February 17, 1866, p. 31.

⁵ Morning Chronicle, June 1, 1866.

at the polls on June 2 by a vote of 820 to 474, the editor wrote that Confederation had been given a "slap in the face".¹ Sectarianism was not an issue in the by-election since both candidates were Roman Catholics. The Protestant Morning Chronicle supported the Opposition's candidate, Brennan, and the Roman Catholic Newfoundlander supported the Government's candidate, Casey, both newspapers having changed parties since the Confederation question had been raised.

In the summer of 1866 some Anti-Confederates of St. John's, fearful that Newfoundland would be included in the British North America Act even though the Legislature had not accepted the Quebec Resolutions, prepared a petition to the Imperial Government. The petition stated that Newfoundland was "practically more remote from parts of Canada than from Britain"; that Newfoundland had no political and only minor commercial connex^{cs}ions with Canada; and that Newfoundland had no "community of interests" with the Canadas and little with the Maritimes. Newfoundland, it stated, was not in the path of possible aggression and was a "comparatively small burthen on the Home Government". It also opposed Confederation because of the fear that the Federal Government would impose taxes on fish and fish oil.² Although the editor of the Public Ledger described the petition as one

¹Morning Chronicle, June 5, 1866.

²Public Ledger, July 6, 1866.

"to remain as we are" and thought it unacceptable except on the ground of "pure selfishness on the part of individuals",¹ it was sufficient to warn the Government not to press the Confederation issue in the 1867 session of the Legislature.

The Governor, therefore, in his address at the opening of the Legislature in 1867, made no mention of Confederation. The question of Confederation, in fact, occupied very little time in the House of Assembly that year. At the opening of the House three new members took their seats. One, Peter Brennan, was the person who had defeated John Casey. He was an Anti-Confederate Liberal and took his seat in the Opposition. The other new members were, on most issues, Government supporters. However, Robert John Pinsent, the new member for Brigus and Port de Grave, had been an outspoken critic of Confederation in the Legislative Council in 1865.² Robert Alsop, who was returned for Trinity Bay, was to become a member of the Executive Council in Bennett's Anti-Confederate Government in 1870. With the addition of these new members to the Assembly it is not likely that Carter was much encouraged. In addition, on February 13, the Assembly was presented with another petition opposing Confederation and asking that no negotiations be

¹Public Ledger, July 6, 1866.

²See above, p. 9.

entered into until the question had been decided at an election.¹

In closing the Legislature for 1867, again all that the Governor could do was to look forward to the next session when he hoped some course of action would be decided upon.²

Nevertheless, 1867 was marked by several events favourable to Confederation. The annual report of the Chamber of Commerce,³ which was published on August 7, made no mention of Confederation. From this, the editor of the Newfoundlander concluded that the merchants were beginning to agree that Confederation would be desirable.⁴ In the meantime, the Public Ledger, since the death on March 30, 1866, of its editor, Henry Winton, had been supporting Confederation. The new editor, in June, 1867, made it plain that he thought that Newfoundland would ultimately join the other provinces, and, that such a union would benefit the colony, he had "no doubt whatever".⁵ Having had little success in the 1867 session of the Assembly, the Confederates later attempted to gain and consolidate support for union by

¹Journal House of Assembly of Newfoundland, February 13, 1866, pp. 39-40.

²Journal House of Assembly of Newfoundland, April 26, 1867, p. 160.

³The Chamber of Commerce was the executive council of the St. John's Commercial Society.

⁴Newfoundlander, August 13, 1867.

⁵Public Ledger, June 5, 1867.

holding public meetings in St. John's. The first meeting was held on October 4, 1867 and it was then decided to hold weekly meetings to discuss the proposed Confederation.¹ Interest in these meetings grew until, a month later, they were attended by capacity audiences.² Also in 1867, R. J. Pinsent, who had previously opposed Confederation, published a pamphlet agreeing in principle with union but proposing several modifications to the Quebec Resolutions. Pinsent wanted it declared, in any proposed terms, that fish and fish oil be exempt from taxation either on its export or manufacture. He asked for a guarantee that Newfoundlanders could continue to have the right to cut wood on crown lands. He also wanted a guarantee against compulsory draft.³ These were some of the points of contention between the Anti-Confederates and the Confederates. This pamphlet pointed out some of the criticisms of Confederation prevalent in the colony and as a result Pinsent's proposals provided the basis for the terms which Carter later offered to Ottawa. Nevertheless the Anti-Confederates remained unsatisfied.

In October, C. F. Bennett wrote to the editor of the Newfoundlander asking to be informed of the reasons for supporting Confederation. Bennett said that until that time

¹Public Ledger, October 8, 1867.

²Public Ledger, November 15, 1867.

³R. J. Pinsent: Confederation and Amendment of the Local Constitution Considered, 1867.

all that the Confederates had advanced had been "vague and utopian possibilities."¹ Although the editor, himself, made no comment, on October 15, a letter signed "Civis" appeared in the same newspaper. "Civis" put forward four possible benefits to be derived from union - direct steam communications to England and Canada, a complete geological survey, the annihilation of the expensive local governmental machinery, and an end to the "monopoly" in mining grants in the colony.² These seem to have been the points most often cited as reasons for supporting Confederation. However, the first of these benefits Bennett did not accept. There was already steam communication via Halifax once a fortnight in the summer and once a month in winter as well as direct steam to England and return to Newfoundland twice a year. This, Bennett thought, was often enough.³ Bennett would probably have strongly opposed the final benefit mentioned since he was prominent among those benefiting from the mining grants.

Notwithstanding Bennett's continued opposition, the events of the latter part of 1867 must have been encouraging to the Confederates for they began 1868 with renewed vigor. At the opening of the 1868 session of the Legislature, the

¹Newfoundlander, October 12, 1867, Bennett to the editor, October 11, 1867.

²Newfoundlander, October 15, 1867, "Civis" to the editor, n.d.

³Morning Chronicle, October 15, 1867, Bennett to the editor, n.d.

Governor, assuming union to be inevitable, thought that only the terms needed to be agreed upon. In the Speech from the Throne he told the Legislature that after it had agreed upon the terms according to which it would be expedient to enter the union he would "submit the question to the decision of the constituencies".¹ This was the first occasion on which he had stated his willingness to have the question decided by an election. On February 17, 1868, Musgrave wrote to Buckingham² defending his policy. The Governor agreed with the Executive Council that even if the existing Legislature had been willing to decide on a final arrangement, any attempt to carry it into effect without a "nominal reference to the body of the people" would have led to "a repetition of the state now disturbing the harmony of the union as regards Nova Scotia". Musgrave thought, too, that if the Assembly could be brought definitely to admit the expediency of union and to declare the terms on which it would be acceptable, providing those terms were acceptable to Canada, there would be little doubt that the election would result in support for that policy.³ The debate on the Speech from

¹ Journal House of Assembly of Newfoundland, January 30, 1868, p. 114.

² Granville, Richard Plantagenet Campbell Temple Nugent Brydges Chandos, third Duke of Buckingham and Chandos (1823-1889). Secretary of State for the Colonies, March 1867, to December, 1868, in the third Derby - Disraeli Ministry. (D.N.B., VIII, 574-575.

³ C.O. 194/177, Musgrave to Buckingham, No. 191, February 17, 1868.

the Throne lasted until February 13. During the debate the eight Opposition members and some members of Carter's Party opposed Confederation. Even Carter and Shea were brought to admit that the Quebec Resolutions would need modification.¹ At the end of the debate on the Address in Reply, Thomas Glen proposed an amendment calling for a postponement of action until the next general election. The next general election was due to be held in the autumn of 1869 and Glen thought that by then the constituents would have had enough time to analyse the issue and would have been able to make a decision. The amendment was defeated in the Assembly by a vote of sixteen to ten with two members of Carter's Party voting with the Opposition.² Another member of Carter's Party, Thomas R. Bennett, although he voted against the amendment because he thought the Address in Reply did not commit the Legislature to any course of action, said that he planned to vote against Confederation.³

Four days after the Throne Speech debate had ended, the Assembly was presented with a petition on behalf of some citizens of St. John's. The petition asked that no action be

¹For Carter, see Newfoundlander, February 14, 1868, Proceedings House of Assembly, February 12, 1868. For Shea, see Newfoundlander, February 17, 1868, Proceedings House of Assembly, February 13, 1868.

²Journal House of Assembly of Newfoundland, February 13, 1868, pp. 20-21.

³Newfoundlander, February 17, 1868, Proceedings House of Assembly, February 12, 1868.

taken by the Assembly until after the election and Major Henry Renouf, who introduced the petition, claimed that it had over 2000 signatures. The petitioners claimed that it would be "highly inexpedient and detrimental to the general interests of the Island" to enter Confederation "on any terms whatever, whilst as at present the Dominion is distracted by financial and other internal troubles and with the prospect of the secession of ... Nova Scotia".¹ Six Opposition members, in addition to Renouf, spoke on the petition. All of them supported it. Of the five members of Carter's Party who spoke, three supported the petition. Only Carter, himself, and Shea opposed it. F. J. Wyatt said that if the Government intended to press the matter of terms, he would resist. T. R. Bennett said that while he was quite willing to discuss terms, at the same time, "he did not believe that Canada would offer any terms which would be acceptable to him". His impression was that nineteenth-twentieths of the intelligence and capital of the country was represented in the petition.² Since the two factions - Confederate and Anti-Confederate - seemed to be almost equal in strength in the Assembly, the Government, for fear of defeat, did not press for an arrangement of terms during that

¹Journal House of Assembly of Newfoundland, February 17, 1867, p. 26.

²Newfoundlander, February 19, 1868, Proceedings House of Assembly, February 17, 1868.

session.¹ The Governor also relented for there was no mention of Confederation in his address at the closing of the Legislature.²

In May, the Governor wrote to Buckingham of the Government's failure to press the question of union. He thought that the agitation for secession in Nova Scotia was having an adverse effect on the Confederate cause in Newfoundland. He thought, however, that as soon as the excitement in Nova Scotia had been allayed, Newfoundland's entry would be a matter of time only. In the same despatch Musgrave wrote:

There is a growing feeling with a large section of the intelligent members of the community that responsible government in the form which it must assume in such a community as this, has been to a great extent a failure. The large proportion of the revenue required to maintain representative institutions, the small amount of good derived from them, the positive evils which flow from their operation, all seem to show that however valuable they may be in healthy action elsewhere, they are too large, and too expensive in their present form for the requirements of the colony.

The only "rational hope," he thought, was Confederation with the other provinces.³

The editor of the Public Ledger also predicted that Confederation would come "in good time." Commenting on the rumor that Joseph Howe had accepted the Governorship of South

¹C.O. 194/177, Musgrave to Buckingham, No. 210, May 12, 1868.

²Journal House of Assembly of Newfoundland, April 29, 1868, pp. 135-136.

³C.O. 194/177, Musgrave to Buckingham, No. 210, May 12, 1868.

Australia, the editor predicted as well that opposition to Confederation would "melt away by degrees" under the "mild treatment" it was receiving from the Dominion Government.¹

As 1868 ended, it began to appear that such opposition might also decline in Newfoundland. In 1868, the Solicitor General, John Hayward, resigned from the Government and a by-election was held in his District, Harbor Grace. The result was that Joseph Godden, a Confederate, won over his Anti-Confederate opponent by forty votes. Despite the fact that forty votes was not a great margin, the Newfoundlander was exultant and observed that there were few still opposing Confederation.² Victory at Harbor Grace seemed all the more significant since the previous member had been an Anti-Confederate. Therefore, the election of Godden could be counted as an actual gain for the Confederate Party.

The Harbor Grace election, the denial of the rumor (reported in May, 1868) that Carter was to accept a judgeship, and Joseph Howe's joining the Confederate Party in Nova Scotia, all seemed to give the Confederate cause added impetus late in 1868. In December, the editor of the Newfoundlander wrote with confidence of a "general concurrence of opinion in favour of Confederation as a remedial

¹Public Ledger, May 19, 1868.

²Newfoundlander, November 10, 1868.

measure for the worst evils that afflict us".¹ In that year's session of the Legislature an attempt had been made to surmount the financial embarrassments of the colony by raising tariff duties to "a very important extent".² At the same time the Government of the Dominion of Canada was abolishing and reducing tariffs.³ This, of course, threatened to detract ^x from the Anti-Confederate argument that union with Canada would bring higher taxes.

Of all the events of 1868, however, one of the most disturbing to the Anti-Confederates was a quarrel that developed between two of their leaders. Since the decision of Ambrose Shea and John Kent to join the Government, Thomas Glen had acted as an unofficial leader of the Liberal Opposition and had taken a leading part in the campaign against Confederation. At the same time, outside the ^x Assembly, C. F. Bennett, since 1864, had expressed his Anti-Confederate views so strongly and so continuously that he had come to be considered as a leader of the Anti-Confederates. Glen probably suspected that Bennett was trying to take over as leader of the Opposition Party and become the next Premier. A bitter dispute developed between the two. Both Glen and Bennett carried their arguments to the columns of the Morning

¹Newfoundlander, December 1, 1868.

²C.O. 194/177, Musgrave to Buckingham, No. 220, June 22, 1868.

³Newfoundlander, December 1, 1868.

Chronicle, and the dispute, begun in 1868, was continued in 1869 and showed no sign of abating. Glen pointed out the fact that most of Bennett's ideas on Confederation had been expressed in the House of Assembly where there were "men of sound practical sense - men who have fought the battle of [sic] Confederation faithfully for the last four years, and who will continue to fight, as they heretofore have done, having the true interests of their country solely in view." According to Glen, Bennett was not of that sort, but supported the Anti-Confederate cause merely because he was afraid that the Dominion Government would make him give up the million acres of land "so shamefully given him by an Irresponsible Government to the injury of the people of Newfoundland."¹ Finally the editor of the Morning Chronicle, probably thinking that the dispute was hurting the Anti-Confederate cause, advised both Glen and Bennett that he would print no more letters concerning the quarrel.² On January 15, the argument ended with the publication of a letter from C. F. Bennett denying Glen's charge that he had been granted one million acres of land.³

¹Morning Chronicle, January 13, 1869, Glen to the editor, January 11, 1869.

²Morning Chronicle, January 14, 1869.

³Morning Chronicle, January 15, 1869, Bennett to the editor, January 13, 1869.

With the Anti-Confederates in Newfoundland divided among themselves; with the success of Confederation in Canada, and the conversion of Joseph Howe in Nova Scotia; with the success of the Harbor Grace by-election; and with the hopeless poverty of many Newfoundlanders, the prospects for carrying Confederation looked very bright as the Legislature opened in 1869. X

The Governor, in the Speech from the Throne, stated his belief that public opinion had reached a stage that was "ripe for dealing with this subject." At the same time, he made it clear that if Newfoundland remained aloof from the union, taxes higher than any likely to be imposed by the Dominion Government would have to be levied in Newfoundland.¹ The Address in Reply to the Speech from the Throne, for the first time expressed readiness for Confederation.² The sixth paragraph read:

We fully concur with Your Excellency that the time has now arrived for us to take action on the great question of Confederation; and we can assure Your Excellency that we shall give our earnest attention to the consideration of our union with the Dominion of Canada, on such fair and equitable terms as may be calculated to serve the interests of the Colony, be approved by the Government of the Dominion, and which we trust may prove acceptable to all classes of the people, when submitted to the constituencies, and also receive the final approval and ratification of Her Majesty.³

¹ Journal House of Assembly of Newfoundland, January 28, 1869, pp. 15-16.

² C.O. 194/178, Musgrave to Granville, No. 19, February 16, 1869.

³ Journal House of Assembly of Newfoundland, February 17, 1869, p. 27.

The Anti-Confederates in the Assembly proposed that this paragraph be replaced by one stating that the only scheme of union, the Quebec Resolutions, had been submitted to the Legislature and to the country and had been rejected by both. They further proposed to express their conviction that a subject "of such vital importance to the liberties of the country", should be submitted to the decision of the people at the polls, before any further action would be taken by the Legislature. This amendment was lost by a vote of eighteen to eight. All the Government's supporters present voted against the amendment. In 1868, two Government supporters had voted with the Opposition on the Confederation issue. In 1869, one of these, F. J. Wyatt, was absent for the voting. The other, John Kavanagh, supported Confederation.¹

On February 23, the Assembly resolved itself into Committee of the Whole on Confederation. Carter introduced twelve resolutions setting forth the terms according to which Newfoundland would be willing to accept union with the Dominion of Canada. Although these terms provided for larger subsidies to Newfoundland, they did not differ greatly from the Quebec Resolutions.

The Quebec Resolutions provided that Newfoundland would received a grant of ~~80¢~~ per head of 130,000 population.

¹Journal House of Assembly of Newfoundland, February 16, 1869, p. 26.

The B.N.A. Act had granted Nova Scotia and New Brunswick a subsidy that would increase with population until a population of 400,000 had been reached. Carter's terms made this grant applicable to Newfoundland as well.

Newfoundland's grant in return for the transfer of ungranted and unoccupied lands, mines, and minerals was, according to the new terms, to be increased to \$175,000 annually instead of \$150,000 granted by the Quebec Resolutions. This was to be in addition to the annual special subsidy of \$24,000 allowed by the Quebec Resolutions. The total of the financial grants to Newfoundland, then, under the new terms would be approximately \$409,000, almost \$40,000 more than under the old terms.

There were, as well, significant modifications and additions to the other terms. The Federal Government was to pay the costs of the circuit and Labrador courts, mail steam-boat service between St. John's and Halifax, the geological survey, and the maintenance of lighthouses. These payments would amount to \$206,000 annually, an increase of \$56,000 over the former proposals. The Dominion Government was to provide steam-boat service from Newfoundland to Canada and Great Britain, to operate a line of steam-boats to carry passengers and freight from St. John's to Montreal in summer, and to provide coastal steam-boat service to the outports of Newfoundland and Labrador from St. John's.

An attempt was also made in the terms to allay some of the fears of the Anti-Confederates. It was stated in resolution five that Newfoundlanders were to retain the right of cutting wood on crown lands. Resolution seven stated that no tax should be imposed on the exports of Newfoundland unless a similar tax were levied on all the staple products of the other provinces. Regarding local defence, it was stated that because of the scattered population of Newfoundland and the nature of the fisheries, which took men from their homes for great parts of the year, militia service would be unsuited to the colony. It was conceded, however, that a naval reserve force might be established in St. John's and that the St. John's volunteer military organization might be enlarged. Finally, it was stated that no final arrangement would be made until an appeal had been made to the people in the general election to take place in the autumn of that year - 1869.¹ At the same time, a schedule of local expenditure under Confederation was published. This schedule proposed that local expenditure would drop from \$272,649.66 to \$245,810.66 - a saving of \$26,839. To meet this local government expenditure, it was stated that \$408,000 would be available from the Federal Government, leaving a balance of \$160,000 annually which might be used on the road service and other public improvements.²

¹Journal House of Assembly of Newfoundland, March 5, 1869, pp. 33-36.

²Newfoundlander, February 26, 1869.

Unquestionably these were better terms than those offered by the Quebec Resolutions. In addition to financial betterment, they pointedly ensured against some of the outcomes of union the Anti-Confederates most feared. They seem to have been an attempt to overcome the Opposition by including guarantees against the Anti-Confederates' predictions. Indeed, the Newfoundlander said that the Opposition appeared to have been "sadly perplexed by the character of the terms."¹

Far from accepting these terms, however, the Opposition in the Assembly was driven to further extremes of contending that no benefits could be derived from union on any terms. Thomas Glen, Leader of the Opposition, summed up the losses to be incurred by union. Newfoundland would have to give up her self-government, her average annual revenue of \$618,000, her crown lands, mines and minerals, her power of taxation, and her public buildings (the Penitentiary, Court House, and Customs House). "In fact", he said, "we surrender everything for almost nothing."²

Probably the best reply to the Anti-Confederates was made by Ambrose Shea. Speaking in the Assembly, he said that by joining the Dominion, Newfoundland would be losing a constitution which the experience of forty years had shown to be "unequal to the exigencies of the colony" and under

¹Newfoundlander, February 26, 1869.

²Newfoundlander, March 3, 1869, Proceedings House of Assembly, February 23, 1869.

which a vast public debt had been steadily accumulating. In acceding to union, Newfoundland would be placing the public debt upon a "secure basis". The value of the colony's debentures, guaranteed by the Dominion, would be increased and made saleable outside the province. Newfoundland would be obtaining a fixed and certain revenue. Food and other necessities would be admitted into the province duty free. Control of public lands would be given to a government able to turn them to account for the benefit of the people whereas hitherto they had been monopolized by men who wanted "either will or the means to work them." Confederation would connect Newfoundlanders with a country whose interest it would be to promote the welfare of Newfoundland in order to make a market for Canadian produce. Newfoundland would secure steam communication with the other provinces, with Europe and America, as well as steam communication along the coasts of Newfoundland and Labrador. New avenues would be opened for the employment of the people if labour failed to maintain its "fair value" in Newfoundland.¹

A vote was taken on the resolutions on March 5. All the Government supporters, including John Kavanagh but excluding F. J. Wyatt and T. R. Bennett, voted for the adoption of the resolutions. The seven Opposition members

¹Newfoundlander, March 5, 1869, Proceedings House of Assembly, February 23, 1869.

voted against them.¹ The resolutions were subsequently passed by the Legislative Council and on April 21, the Premier moved an Address to the Governor asking him to appoint a delegation to negotiate terms at Ottawa before the next election.²

In the meantime the Assembly had received three petitions in support of Confederation.³ The Confederate newspapers looked to the future with confidence. The Governor, too, believed that the union would be a matter of time only. Since the resolutions had been passed by a majority of ten in a House of twenty-four and since Governor Musgrave did not expect that the return of many members who had voted in favour of union would be in danger at the next election, "the question of union", he wrote to Granville⁴, "may be considered settled."⁵

All was not well with the Confederates, however. During March and April Ambrose Shea visited the Dominion of

¹Journal House of Assembly of Newfoundland, March 5, 1869, p. 39.

²Journal House of Assembly of Newfoundland, April 21, 1869, p. 123.

³Journal House of Assembly of Newfoundland, April 7, 1869, p. 73.

⁴Leveson-Gower, Granville George, second Earl Granville (1815-1891). Secretary of State for the Colonies, December, 1868, to July 1870, and Secretary of State for Foreign Affairs, July 1870 to February 1874, in the first Gladstone Ministry. (D.N.B., XI, 1029-1031).

⁵Letterbooks of Despatches to the C.O. 1869-1873, p. 13, Musgrave to Granville, No. 22, March 20, 1869.

Canada on personal business. While there, he met with some members of the Federal Government and probably discussed the proposed union of Newfoundland with Canada.¹ On April 28, the Morning Chronicle copied from the Halifax Express a telegram from Montreal dated April 12 stating that Shea had arranged the financial basis for union. In the same issue another telegram was copied from the Express, dated Ottawa, April 12, saying that it was expected that Ambrose Shea would become a member of the Dominion Government after the completion of union.² The Morning Chronicle maintained that Shea had set himself up as one of Newfoundland's delegates to negotiate terms of union.³ Whether he had or not is uncertain but the telegrams from Canada quoted by the Morning Chronicle give the impression that it was widely believed in Canada that Shea was acting on behalf of the Government of Newfoundland. After the first reports of Shea's activities had been received in St. John's, the Premier was asked in the House of Assembly to clarify the situation. In reply, Carter stated that Shea had not been authorized to act as a delegate and that if he had assumed that position he had been guilty of gross deception.⁴ Indeed,

¹Morning Chronicle, April 14, 1869.

²Morning Chronicle, April 14, 1869.

³Morning Chronicle, April 13, 1869.

⁴Newfoundlander, April 12, 1869, Proceedings House of Assembly, April 12, 1869.

no delegate had at that time been appointed. The delegation was not appointed until early in May. By that time, Carter and Shea had "contrived to accommodate their differences in a quiet way and one quite honourable on both sides."¹

On May 10, the delegates were appointed. They were F.B.T. Carter, the Premier; John Kent, the Receiver General; Nicholas Stabb, member of the Legislative Council and director of the Savings Bank; and P. G. Tessier, member of the Legislative Council and President of the St. John's Chamber of Commerce. Ambrose Shea was to have been appointed as well but he declined because of "private engagements".² The delegates left St. John's shortly after their appointment and on June 15, it was reported that terms had been arranged.³

In place of the annual grant of \$24,000 sought by Newfoundland's Confederates, the Dominion Government offered \$35,000, but the annual grant of \$175,000 in return for the transfer of crown lands was reduced to \$150,000, as was offered by the Quebec Resolutions. It was agreed that the grant of 80¢ per head of population should be augmented in proportion to the population increase until it would reach 400,000. The Dominion Government promised to provide an efficient steam mail service between Canada, Newfoundland and

¹ Newfoundlander, May 11, 1869.

² Newfoundlander, May 11, 1869.

³ Newfoundlander, June 15, 1869.

the United Kingdom as well as an efficient coastal steam service including Labrador. Salaries of the Judges of the District Courts and the Labrador Judge and Bailiff were to be paid by the Federal Government. Payment for the geological survey; the maintenance of lighthouses, shipwrecked crews and the Quarantine and Marine Hospitals were also to be undertaken by the Federal Government. It was also conceded that Newfoundlanders were to retain the right of cutting wood on crown lands. Resolution eleven of the agreement stated that "no exceptional tax" should be imposed "on any of the exports of Newfoundland." In addition to this resolution, an adjoined minute stated:

It is understood that the general imposition of Export duties on staple products of any Province is contrary to the policy of the Government of Canada, and a contingency not to be contemplated; but it is agreed that taxation, in whatever form it may be found necessary hereafter to impose it, shall be so adjusted as to bear equally on all the Provinces, and that no scheme would be proposed which might in its effect operate with undue pressure on oil, fish or any other staple export of Newfoundland.

Minutes "C" of the terms gave assurance that the influence of the Dominion Government would be used "to the fullest extent," to procure the continued maintenance of the Garrison of British Forces at St. John's.¹

The terms received by Newfoundland were probably as good as any for which that colony could have hoped. The

¹Journal Legislative Council of Newfoundland, 1870,
App. No. 21, pp. 189-195.

Governor, at any rate, considered union to be a foregone conclusion. "I have no fear for the result of the Election or of the subsequent course of affairs", he wrote.¹ Indeed, he had considered it such as early as February when, realizing that after union he would no longer hold his position as Governor, he had asked to be transferred to British Columbia.² On July 8, 1869, Musgrave left St. John's for Victoria.³ Eleven days later the new Governor, Colonel Stephen Hill, arrived in St. John's and took office.⁴

By that time, the election campaign was already well under way. The Anti-Confederate newspaper, the Morning Chronicle, was just as confident of an Anti-Confederate victory as Governor Musgrave had been that the Confederates would win. In July, the Courier, until then a Confederate newspaper, began to oppose Confederation.⁵ The Anti-Confederate Committee, which had been formed in 1866, began to put on a vigorous campaign. In September, a letter appeared in the Morning Chronicle from the Secretary of the Committee, Francis Winton, asking for information regarding the strength of the

¹C.O. 194/178, Musgrave to Granville, Confidential and Immediate, June 22, 1869.

²C.O. 194/178, Musgrave to Granville, February 20, 1869.

³Letterbooks of Despatches from the C.O. 1869-1873, Musgrave to Granville, No. 62, July 8, 1869.

⁴Letterbooks of Despatches to the C.O. 1869-1873, Hill to Granville, No. 63, July 19, 1869.

⁵Courier, July 28, 1869.

Anti-Confederate Party in the outports and telling the Anti-Confederates to set up sub-committees in every District.¹ Late in August, C. F. Bennett, who had been in England, returned to Newfoundland with a vessel, the "Mary Austin", which the Anti-Confederates planned to use in the campaign in the outports.² By September 1, the editor of the Morning Chronicle was already calling it the most severe election of Newfoundland's history.³ The Newfoundlander agreed that the 1869 election "exceeded in the importance of its results any former appeal to the constituencies."⁴

Early in September, C. F. Bennett embarked on the "Mary Austin" to make a campaign tour of the northern Districts. Until then, it had been conceded that the people of the northern Districts had been Confederates. Bennett hoped to convert them to Anti-Confederatism.⁵ At the same time, the Morning Chronicle printed an eleven point answer to the question. "What is Confederation?" Most of the old slogans such as unlimited taxation; forfeiture of lands, mines, and minerals; loss of fisheries and revenue; and abandonment of

¹ Morning Chronicle, August 20, 1869.

² Morning Chronicle, August 30, 1869.

³ Morning Chronicle, September 1, 1869.

⁴ Newfoundlander, September 3, 1869.

⁵ Newfoundlander, September 7, 1869.

the flag of Great Britain, were repeated. Prominent among the Anti-Confederate arguments was that union with Canada would break the link with Britain. Canadians were described as "an incongruous and hybrid people in whom we have no interest whatever and never can have". Another objection to Confederation was that official appointments would be made by the Federal Government and would go to "those who are endeavouring to sell the country and its people". According to the Morning Chronicle, "good fat berths" would be given to "a few lawyers, and many loafers, who have by their bad government brought the people to the verge of starvation and their children to nakedness and want."¹

The desperate condition of the people of Newfoundland was an important issue in the campaign. In 1868, the Governor had issued a proclamation limiting the distribution of pauper relief to the sick and infirm and to destitute widows and orphans.² In the 1869 Speech from the Throne, the Governor explained his action. He excused the limiting of pauper relief by the fact that depression of trade and the "comparative failure of the crops and fisheries for several years past", which, notwithstanding "all the guards at the command of the Government", had caused a large and increasing expenditure in poor relief. So great a burden had poor relief become, that the Government considered the continuation

¹Morning Chronicle, September 8, 1869.

²Royal Gazette, June 9, 1868.

of such a rate of expenditure to be impossible. The only alternative to a reduction of poor relief would have been to increase taxation which would "bear very heavily on the truly industrious and frugal." In the face of this, it had been decided to restrict the distribution of poor relief.¹

The winter of 1868-1869 saw starvation pose a real threat to many Newfoundlanders. In January, the editor of the Newfoundlander wrote: "We cannot conceal from ourselves that there is a large proportion of the poor at this moment so prostrated by want both of food and clothing, as to be wholly incapable of work, at least for the present, or until they have been fitted for it by the necessary supply of food".² That the Government was disturbed, is shown by the fact that the editor of the Newfoundlander, E. D. Shea, was himself Financial Secretary in Carter's Government.

The Confederate Party placed much importance on the possibility that union with Canada would bring Newfoundland out of the depression. In September, 1869, there appeared in the Newfoundlander a list of seventeen reasons for voting for Confederation. Of these, the first ten mentioned various ways in which union would increase prosperity and offer financial security in time of distress.³

¹ Journal House of Assembly of Newfoundland, January 28, 1869, p. 13.

² Newfoundlander, January 8, 1869

³ Newfoundlander, September 10, 1869.

Whether because economic conditions were so bad or because most people recognized the far-reaching implications of Confederation, sectarianism played, if any, a very small part in the election campaign and its outcome. On September 3, Father O'Keefe, Administrator of the Diocese of St. John's since the death, in March, of Bishop Mullock, issued a proclamation concerning the election. He prohibited all clergy within the Diocese from using any chapel, or other place where Mass was said, for the purpose of "any personal or political address to the people respecting any candidates or others connected with them in the ... general election."¹

[The sectarian issue did not enter the terms of union. There was no question of representation by religion as there had been in the responsible government debates preceeding 1855, and often leaders of several denominations supported the one candidate. In the District of Brigus and Port-de-Grave, for example, which was predominantly Protestant and where two Protestant members contested the election, the Administrator of the Roman Catholic Diocese of St. John's, Father O'Keefe; the Anglican Rural Dean of Conception Bay, J. C. Harvey; and two Wesleyan ministers gave their support to R. J. Pinsent, the Confederate candidate,² who lost the election.]

¹ Newfoundlander, September 3, 1869.

² Newfoundlander, October 15, 1869, Requisition of the Electors of Brigus and Port-de-Grave.

The election took place on November 13. Twenty-one of the thirty seats were won by Anti-Confederates. They were returned for every District in which Roman Catholics were in a majority, which gave them thirteen seats. Eight seats in Protestant Districts were also won by the Anti-Confederates. It cannot be said, therefore, that the division was in any way based upon religion. The Anti-Confederate Party, which later was accused of being Roman Catholic, was certainly not at this time. Indeed, there were more Anti-Confederate Protestants than Confederates in the Assembly. In Districts where 75% or more of the population was Protestant eight Anti-Confederates and four Confederates were elected. Harbor Grace, in which approximately 67% of the population was Protestant, elected two Confederates. Burin, in which approximately 62% of the population was Protestant elected two Confederates. Carbonear, in which 58% of the population was Protestant elected a Confederate as their member. This shows that most of the Confederates in the Assembly represented Districts in which the population was most evenly divided between Roman Catholics and Protestants, a fact that would be difficult to explain if it were to be admitted that the voting had been according to religion.

[At the beginning of 1870, then, the old names, Liberal and Conservative, were no longer applicable to the political parties of Newfoundland. They were no longer used. The Anti-Confederate Party seems to have been a fusion of

extreme Conservatives, like its leader C. F. Bennett, and extreme Liberals, like R. J. Parsons and Henry Renouf. The Confederate Party, on the other hand, seems to have been made up of the more moderate members of both the old parties. While the political parties had been divided on religion, the Protestants were almost assured of a majority in the Assembly. In 1869, however, Protestants and Roman Catholics had joined to condemn Confederation. Whether the Confederation issue would now recede into the background and, if so, whether sectarianism would once again become the basis of political division in Newfoundland remained to be seen as the results of the election of 1869 became known.

CHAPTER II

THE FIRST YEAR OF BENNETT'S GOVERNMENT

It seems that the alternative to Confederation was considered to be the achievement of prosperity in Newfoundland without outside help. The election of 1869 had given the Anti-Confederates a chance to attempt this goal. The Anti-Confederates had won a sweeping majority. Having been given a free hand, however, they were faced with a dilemma. If they could bring prosperity to the colony, Confederation would probably become a dead issue and the political cleavage between Confederates and Anti-Confederates would weaken. A new alignment based on other issues would probably occur and this, unless Bennett's control over his party were very strong, might undermine the strength of his own party.

The years of Carter's administration had been a period of economic depression.¹ The attempt at union was at least partly an attempt to end this depression. As early as December, 1864, the editor of the Newfoundlander, E.D. Shea, had pointed out the economic and commercial disadvantages of remaining aloof from Confederation.² The difference between the Confederates and the Anti-Confederates seems to have been that the former looked upon the proposal as a means of ending Newfoundland's economic problems, while the latter thought that with a more effective Government at St. John's prosperity

¹Misc. Letters Received at the Governor's Office. Report No. 1, Royal Commission Upon Public Expenditure, 1866-1874, p.4.

²Newfoundlander, December 8, 1864.

could be achieved without union.

It may well have been that Carter's Government owed its defeat partly to its financial policy. Speaking in the House of Assembly, C.F. Bennett denied that "the country" had condemned Carter's Administration on the grounds of Confederation alone. "On the contrary, the people had for years past been grievously complaining of the increased taxation, the increased and increasing debt and the malappropriation of the revenue" ¹ The editor of the Newfoundlander admitted that there had been condemnation of Carter's Government and that the criticism had probably been effective. In February, 1870, he wrote, "most people who have taken any interest in our local affairs for the past ten years are tolerably familiar with the charges that have been made of the extravagances and corruption of the Government and their general mismanagement of all matters committed to their care."² However, Shea did not think that the Government had been defeated because of its economic policy. He attributed the defeat of the Confederates to "rum, rowdyism and ignorance." X In fact, he ascribed the success of the Anti-Confederates to ignorance "more than to all other influences together" ³

¹ Morning Chronicle, March 5, 1870, Proceedings House of Assembly, February 9, 1870.

² Newfoundlander, February 1, 1870.

³ Newfoundlander, January 21, 1870.

Despite the fact that Confederation was much discussed in the newspapers, it is probable that many voters did not fully understand the issue. The circulation of the newspapers was "but limited."¹ The majority of the people still obtained their news by word of mouth or through personal letters. When so many people were illiterate and had such poor means of transportation as obtained at the time, it is to be suspected that the outport voters, at least, were not well informed, and were suspicious, if not fearful, of a Government in Ottawa, which to them must have seemed far away. X

Whether from fear of Confederation itself or from disaffection with Carter's Government, the majority of electors voted against Confederation in the 1869 election and Bennett was given the opportunity after Carter's resignation to attempt to bring prosperity to Newfoundland without union.

The House of Assembly opened on February 3, 1870, with F.B.T. Carter still premier. Consequently, the Speech from the Throne contained support for Confederation. Governor Hill read an excerpt from a despatch from Lord Granville expressing the hope that nothing would occur in Newfoundland to delay a measure from which he confidently anticipated advantages both to the Dominion of Canada and to the colony. Apparently ignoring the result of the election, Hill said he thought that it was "quite clear that the current of opinions

¹Blue Book, 1869, p. 156.

and events" had "strongly set in towards union." Hill hoped that nothing would occur "to check, turn or divert Newfoundland from gliding onward", and "that the advance already made" would continue until Newfoundland would enter the Confederation, "thus completing the Great End so anxiously desired by the Imperial Government."¹ The Government, however, must surely have known that the Assembly would never accept such a statement of policy. If it had not, it was soon to be disillusioned.

When it was moved that a committee be appointed to draft a reply to the Speech from the Throne, Thomas Glen, an Anti-Confederate Member for Ferryland, submitted an amendment. This amendment, in addition to expressing lack of confidence in the Government and belief in the inexpediency of replying to the Governor's speech, suggested that the Governor call upon Charles Fox Bennett to form a Ministry. Notwithstanding Carter's contention that such an amendment was without precedent,² it passed on a party-line vote of nineteen to eight. At the next meeting of the Assembly the Governor sent a reply expressing "regret that without any apparent sufficient cause assigned", the House had "departed from the usually expected courtesy, by superseding the motion for a select committee to propose a reply to the Speech from the Throne."

¹ Journal House of Assembly of Newfoundland, February 3, 1870, p. 90.

² Newfoundlander, February 11, 1870, Proceedings House of Assembly, February 3, 1870.

The Governor further regretted the "unconstitutional course" of suggesting whom he should ask to form a new Administration.¹ The House of Assembly thereupon adopted an address to the Governor assuring him that no discourtesy had been intended and withdrawing its advice that Bennett be asked to form a new Ministry.² This blunder having been overcome, C.F. Bennett was appointed Premier on February 14, 1870.

Three days previously, C.F. Bennett, Thomas Talbot, and Francis Winton (three Anti-Confederates) and John Rorke and William S. Green (two Confederates) had been appointed to draft a reply to the Speech from the Throne. The Address in Reply was submitted to the House on February 17. It contained a paragraph on Confederation - from which both Rorke and Green dissented - expressing the conviction that the subject of union had been discussed for several years and that the discussion had resulted in a "settled conviction in the minds of the people that such a union would not be conducive to their essential interests."³

Notwithstanding the Confederates' defeat in the election of 1869, and this condemnation of Confederation in the House, they had not given up the struggle. As an amend-

¹Journal House of Assembly of Newfoundland, February 7, 1870, pp. 11, 12.

²Journal House of Assembly of Newfoundland, February 9, 1870, pp. 14, 15.

³Journal House of Assembly of Newfoundland, February 17, 1870, p. 22.

ment to the proposed Address in Reply, Carter now in Opposition, moved to insert the following paragraph:

The important subject of the Union of this Colony with the flourishing Dominion of Canada, on the terms proposed, shall have our careful consideration. In the approval of these terms by Her Majesty's Government, we see another indication of their policy that all the Colonies should be confederated on the principles of the British North America Act, 1867, as being for their mutual advantage. We regret that the result of the late elections, owing to the studied determination of some persons of influence to oppose the desires of Her Majesty's Government, and the active dissemination of statements which entirely ignored the true merits of the question, that for a short time this Union may be delayed; but we trust that, coinciding with the views of the many intelligent and influential persons residing in the Colony, and extensively connected with its trade, the people will be convinced that their best interests will be conserved by uniting their fortunes with their sister provinces of the Dominion.¹

The Amendment was, of course, defeated, but it shows the vigour with which Carter carried on his opposition in the House of Assembly.

The Confederates' policy seems to have been designed as much to unnerve the Government as to achieve a change in its policy. Bennett had a large majority in the Assembly, but it was made up of a coalition of old enemies. Carter's policy was to emphasize differences within Bennett's party and to cause disunity.

Governor Hill thought the numerical strength of the Anti-Confederates in the Assembly would, in the long run,

¹ Journal House of Assembly of Newfoundland, February 18, 1870, p. 24.

prove to be a source of weakness. In March, 1870, he reported to Granville that it was already rumoured that there was "disunity and discord among them and that they cannot long hold together." He told Granville that even then the symptoms of decay within the Government Party could be observed. Hill also informed Granville that the Confederates, far from being disheartened by the election results, had established a Confederate League which promised "vigorous working" and could not fail "to be effective in due time."¹

Disagreement within the Government was soon brought into the open. The budget, brought down by the Receiver General, Thomas Glen, contained a decrease in some tariffs. On being questioned by Carter, Glen admitted that he feared that these remissions would benefit the merchants. Bennett disagreed and contended that they would "act favourably to the poor man." Another member of the Executive Council, Henry Renouf, agreed with Glen "to some extent", but thought that they were necessary because they had been promised in the election campaign.² This difference, rather than being an immediate threat to the Party's existance, was symptomatic of the differences between the two groups within the party. Yet, it does serve to show the difficulties involved in leading such a Party and probably warned Bennett to use caution

¹ C.O. 194/179, Hill to Granville, No. 10, March 10, 1870.

² Morning Chronicle, April 8, 1870, Proceedings House of Assembly, April 5, 1870.

as his main policy.

[It would be a mistake, however, to think that the Anti-Confederates were ineffective.] The editor of the Morning Chronicle did not fail to contrast the tax policies of the Governments of Newfoundland and Canada. In 1870, the Government of Newfoundland decreased duties by £15,000; it increased grants for road-building and education; and it reduced the civil expenditure by approximately £1,500. At the same time the Dominion Government made an over-all increase of five per cent in import duties. This, the editor pointed out, was the Anti-Confederation prediction coming to fruition.¹ However, Premier Bennett, not yet satisfied that Confederation had been completely defeated, continued his attacks on union as though it were still a menace.

Early in June, Bennett wrote a letter to the editor of the Morning Chronicle denying the Confederate claim that in union there is necessarily strength. He denied that the Canadians wanted to invest their money in Newfoundland, because if they had wished, they could have done so without union and they had not. In connexion with free trade, he said that it was up to the Government which imposed duties to take them off. Periods of economic adversity, he thought, were followed by prosperity. This, Newfoundland had in common with all other countries, and Bennett pointed to the rising

¹Morning Chronicle, April 30, 1870.

prosperity in Newfoundland as compared with the recent depression. No matter how deplorable condition might be, however, Bennett thought, men could "exchange it for a worse one." He pointed to the five hundred men for whom Ambrose Shea had found work in the Intercolonial Railway in 1869. They had returned home "without shoes, in rags, and not a shilling in their pockets to relieve the wants of their starving families". Bennett emphasized the evils of taxation under Confederation. "The stamp tax and other assessed taxes now payable in Canada not at present payable here - taxes the oppression from which has never been felt nor even heard of by the greater part of the population of this country" would be imposed. The income tax, which the Dominion Government was thinking of imposing would involve "annoyance, inconvenience and damage arising from the exposure to which it would subject private affairs." In addition, the Dominion would impose a property tax and taxes on fish and fish oil, "since Canada refused to guarantee that the exports of Newfoundland should not be taxed."¹ The Canadian debt, according to Bennett, had risen "since Confederation was first mooted" from £3,000,000 to £20,000,000 requiring £1,000,000 of taxation to pay the interest alone. By remaining outside Confederation, Newfoundland would avoid all the municipal taxes of the Dominion and save a large sum of money that would

¹See Appendix B, p. 210.

otherwise have to be paid to a "regiment of tax gatherers who like locusts would feed upon the fat of the land to the detriment of every interest and the annoyance of every body." By remaining outside the union, Newfoundlanders would retain "all our territorial rights and powers of self-government inviolate, without coercion or interference from any superior authority, notwithstanding all that has been urged to the contrary." At the same time Newfoundland would possess a much larger revenue than would be received from Canada after the "sale of our country." In addition, Newfoundland would retain for the "sons of the soil" all the patronage of the colony, instead of placing it in the hands of the Ministers of the Dominion, to be distributed among Canadian politicians. Finally, Newfoundlanders would not be drafted into the Canadian army "to fight the battles of strangers in a foreign land."¹ It is a measure of Bennett's feeling of insecurity that with seventy per cent of the seats in the Assembly under his control, he found it necessary to keep Confederation as the focal point in Newfoundland politics. His fears were not entirely without reason.

Bennett's Government had received several setbacks since it had come to power. A dispute concerning the Burin election lasted well into 1870. In the district of Burin, in the 1869 election, five men from Frenchman's Cove had voted by

¹Morning Chronicle, June 3, 1870, Bennett to the editor, June 3, 1870.

proxy for F.B.T. Carter and Edward Evans, the Confederate candidates. Shortly after, these same five men decided to change their votes and support the Anti-Confederates, Henry LeMessurier and John Woods. The Returning Officer removed the proxies and accepted the verbal votes. Subsequently, however, he reversed his decision, accepted the proxies for Carter and Evans, and declared them elected.¹

On February 18, Francis Winton presented to the House of Assembly a petition on behalf of LeMessurier and Woods. The petition sought to have the return of Carter and Evans declared null and void and to have LeMessurier and Woods declared elected.² The time set to consider the petition was February 24, at 4:30 p.m., but at that time no Opposition member and only seventeen Government supporters were present. According to Newfoundland's Controverted Elections Act (23 Vic., c. 11), the presence of twenty members was required for such a proceeding. After passing a resolution for a call of the House on Thursday, March 3, the House adjourned. Subsequently, however, and before all the members had left the chamber, the Speaker, the Premier, and some other members consulted together to decide whether the adjournment had met the requirements of the Controverted Elections Act. They decided that it had not and the members

¹ Public Ledger, November 28, 1869.

² Journal House of Assembly of Newfoundland, February 18, 1870, pp. 25 - 27.

still in the building were called back to the Chamber to adjourn until the next day. The following day the House met, again without a quorum.¹

The tactic of the Opposition was to prevent the selection of a committee of inquiry by boycotting the House of Assembly. They could do this because it was impossible for the Government to have twenty members present in the Assembly. The Controverted Elections Act stated that a quorum for setting up such a committee would be twenty members excluding the Speaker. Since one Government member had been elected for two Districts, there were only nineteen Government supporters, excluding the Speaker, in the House. However, the Government quickly held a by-election in St. John's West and Lewis Tessier, the Anti-Confederate, was elected by acclamation on March 31, 1870. He took his seat in the Assembly on April 2 and the Government, then with twenty members present, selected a committee to inquire into the Burin election.²

The Opposition went back to the Assembly on April 4, and counsel for Carter and Evans began proceedings to have a writ of prohibition served on the committee. The case came

¹According to the Journal of the House of Assembly of Newfoundland, p. 34, and the testimony of John Stuart, Clerk of the House, Newfoundlander, April 12, 1870, there were only three members present. Bennett's resolutions of April 13, 1870, Journal House of Assembly of Newfoundland, p. 99, states that seventeen members were present. Twenty constituted a quorum.

²Journal House of Assembly of Newfoundland, April 2, 1870, p. 46.

before the Supreme Court of Newfoundland in April. A decision depended on the length of time for which the House had been adjourned, for Section V of the Controverted Elections Act stated:

Previously to reading the Order of the Day for considering the Petition, the House shall be called, and if there be less than twenty members present, the House shall forthwith adjourn to a particular hour the next day when they shall proceed in like manner, and so from day to day till there be twenty members present at the reading of such order, in which number the Speaker shall not be included.¹

If, therefore, counsel for Carter and Evans could prove that the House had been adjourned for one week and not one day as had been entered in the Journal, it would be declared that the committee had been illegally set up.

Evidence was heard in the Supreme Court on Saturday, April 9, 1870. The Attorney General, J.I. Little, acting for the defence, protested the hearing on the ground that the proceedings affected the privileges of the House of Assembly. He also tried to show that "even if the House adjourned for a week, there was nothing irregular or contrary to the spirit of the act." An affidavit from T.R. Bennett, the Speaker, was presented, but it failed to say whether or not the House had adjourned for a week. One of the judges, Brian Robinson, said that "it would have been much better if the affidavit of the Speaker had not been introduced into a Court of Justice."

¹Statutes of Newfoundland, 1854-1863, Vol. III, 23 Vic., c. II, pp. 65-70.

He thought it had been an attempt to "evade the truth and conceal facts" As a result of Bennett's affidavit, the Clerk and the Solicitor of the House were called as witnesses. The first to be called was A.O. Hayward, Solicitor of the House. Shortly after he began his testimony, the Attorney General admitted "as a matter of fact" that the House had adjourned for a week. The Clerk of the House was called and explained that on the day of adjournment he had taken notes on slips of paper as he planned to enter them in the Journal the following day. The original memoranda of the proceedings of February 24 had stated an adjournment for a week, but the Clerk had been ordered to enter into the Journal that the adjournment had been for one day. The Court's decision was set for May 20.¹

Before the decision was handed down, however, C.F. Bennett, apparently trying to clear his name, presented several resolutions to the House of Assembly. The resolutions traced the proceedings on the twenty-fourth and the twenty-fifth of February. They admitted the mistake of adjourning until March 3, and stated that on February 25, the minutes of the previous sitting had been amended. Carter moved an amendment to the resolutions to the effect that the Journal be corrected to include the original adjournment. However, it was defeated and Bennett's resolutions were carried by a vote of seventeen

¹Newfoundlander, "Supreme Court", April 12, 1870.

to seven.

On May 20, 1870, the Supreme Court decision was handed down. It was unanimous. First, it held that there was nothing in "the character or constitution of the inferior court, the committee, as emanating from the House of Assembly, which limited or restricted the jurisdiction of the Supreme Court over it." Second, it held that the appointment of the committee had been "contrary to and inconsistent with the requirements of the Statute in that it was imperative and absolute and the very substance of the enactment that the Assembly should adjourn to the next day and not over for a week." Therefore it was held that there was "no committee and no court", and that "all proceedings under it were null and void."¹

During the election campaign of 1869, the Confederates had accused the Anti-Confederates of misrepresenting the issues in the election.² In 1870, the Confederates took advantage of the opportunity presented by the Burin election controversy by charging the Anti-Confederates with scheming and falsifying. The attacks on C.F. Bennett were particularly severe. On March 25, the editor of the Newfoundlander wrote of Bennett:

¹E.P. Morris (ed.): The Reports, 1864-1874 (Decisions of the Supreme Court of Newfoundland), 1879, p. 301.

²C.O. 194/178, Hill to Granville, Confidential, December, 1869.

Having proved that all his denials and protestations however brazen - fronted on the criminal charge of falsification of the journals, have found only increased contempt in the judgement of the public ... he sees nothing for it but to make common cause with ... convicted delinquents and pray the court to remember that he was not always what he has been found at last.¹

The Public Ledger was even more vituperative. On April 12, the editor reported the general "astonishment" felt at the charge made against the Government. He continued:

Could it be possible that our soi disant "High Court of Parliament" would be guilty of an act which if committed by a private individual would consign him to the felon's cell? Was the "First Commoner" of the Island a man who for any purpose would be guilty of or even countenance a public fraud? Would Charles Fox Bennett, the Premier with the snows of over seventy winters whitening his brow - after a life of honourable toil - of acknowledged probity and usefulness, be a party to the same?

The editor had already, in the same editorial, made it clear that the answer in each case was to be "yes".² In the same issue, an editorial from the Morning Chronicle was copied. The editorial had been written before the case had gone to court. The Anti-Confederates had not at that time admitted the week-long adjournment. The editorial said:

If such a piece of rascality as falsifying the journals had been perpetrated the responsibility would be with the Premier Next the odium would lie with the Speaker, who would as a consequence be unfit for the position he holds, or even to occupy a seat in the House. And finally, with the Members themselves, who, it may be presumed, are not all a pack of scoundrels; and yet the Times [a St. John's Confederate newspaper] wants us

¹ Newfoundlander, March 25, 1870.

² Public Ledger, "Affidavit Bennett and the Court", April 12, 1870.

to refute a lie invented by an unprincipled lawyer, and eagerly seized hold of by the Newfoundlander.¹

Now that it had been proven in the Supreme Court that the accusation of falsifying the journals, far from being "a lie invented by an unprincipled lawyer", had been based upon fact, it is to be suspected that the editor of the Public Ledger would have agreed completely with the first part of the Morning Chronicle's reasoning.

In addition to the problems of the Burin election case, Bennett's Government was faced, in 1870, with another threat to its popularity. The Gladstone Administration had, in 1869, announced its intentions of decreasing the number of colonial military establishments. The garrison in St. John's was to be withdrawn. This announcement, coming, as it did, before the 1869 election, had provided another issue connected with the Confederation dispute. In an attempt to safeguard against the withdrawal of the troops, Carter had sought to have written into the terms of union with Canada some assurance of support. The only concession made by Ottawa, however, had been a promise to use its influence to "procure the continued maintenance of a Garrison of Her Majesty's Forces at St. John's."²

¹Public Ledger, April 12, 1870, copied from the Morning Chronicle, March 21, 1870.

²Journal Legislative Council of Newfoundland, 1870, App. No. 21, p. 195.

The Anti-Confederates argued that after union, Newfoundland would be deprived of the garrison protection. Consequently, before the election, Carter wrote to the Governor informing him of the Anti-Confederates' contention and asking for a statement of the Imperial Government's policy. In sending Carter's letter to the Colonial Office, Hill agreed that "without the advantage of the garrison in St. John's, law and order could not be maintained, and valuable property frequently would be without adequate protection." This opinion, he said, was shared by the "members of the Executive Council and the respectable portion of the community." Granville did not reply until January 11. His answer was unequivocal: "I have to inform you that it is not the intention of Her Majesty's Government to maintain a garrison force of Imperial troops in Newfoundland." However, the problem of maintaining order after the withdrawal was one with which Bennett, not Carter, would have to cope.

The editor of the Newfoundlander thought that the point of time had an important bearing on the "spirit and meaning" of Granville's despatch:

It shows that the Colonial Minister delayed answering the inquiry ... until the colony replied to the suggestion of the Home Government on the matter of Confederation. And

¹ C.O. 194/178, Hill to Granville, No. 106, October 26, 1869 and enclosure: Carter to Hill, October 20, 1869.

² Journal House of Assembly of Newfoundland, 1870, App. p. 628. Granville to Hill, No. 4., January 11, 1870.

as we thought fit to spurn this suggestion, and strut in antics of defiance and 'independence' of Imperial council, we are now taken at our word and provided with even a larger sphere for the exhibition of our cherished 'independence'.¹

The Confederates had a simple solution to the problem. It was proposed in the Legislative Council by Nicholas Stabb. "If the Government would only retrace the false sted [sic] they had made, and signify to the Home Government a desire to meet their views on Confederation, he had no doubt we should then be furnished with troops, if not by the Imperial, at all events, by the Dominion Government." The Newfoundland Government, however, had not yet decided on any alternative policy.²

The failure of the Government to announce its decision concerning the withdrawal of the troops provided the Confederates with another opportunity for criticism. "Nurtured themselves in deception", the editor of the Newfoundlander wrote, "they assumed that the British Government were but playing a game when they spoke of withdrawal of the Military."³ The Government's indecision was probably caused by disagreement within the Anti-Confederate party. According to the editor of the Newfoundlander, some of the Anti-Confederates thought that Granville's despatch was a "bugaboo to frighten them into Confederation." Some of them main-

¹ Newfoundlander, February 22, 1870.

² Newfoundlander, March 1, 1870, Proceedings Legislative Council, February 24, 1870.

³ Newfoundlander, February 26, 1870.

tained that the troops were unnecessary, while others thought that Newfoundland could pay for the troops "without a shadow of difficulty." The Newfoundlander called the Government a "hybrid confederacy" and said its most remarkable characteristic was the "strange association of antagonisms" that it presented.¹

There was, indeed, a difference of opinion within the Executive Council. Some members wanted immediate action, but the majority, including Bennett advocated a cautious policy. On March 18, the Executive Council discussed the problem. Robert Alsop, the Colonial Secretary, brought in a letter from James S. Clift, the Government leader in the Legislative Council. Clift was absent from the meeting, but in his letter he recommended the "propriety of promptly ascertaining whether the British Government would on partial payment of their [the troops'] maintenance by this Government permit their being retained." After some discussion, however, it was decided that it would be more advisable to "await the action of the House of Assembly on the question."²

The House of Assembly, however, was daily being adjourned for want of a quorum, with little hope of obtaining one unless the Burin election dispute were settled or a by-election were held in St. John's West. It was in these

¹Newfoundlander, March 4, 1870.

²Minutes of the Executive Council, 1869-74, March 18, 1870.

circumstances that the commander of the garrison in St. John's wrote to the Secretary of State for the Colonies, supporting the contention that the retention of the troops was essential for the maintenance of law and order. The commander said that in Newfoundland, the Catholics had "always been in the ascendancy" and that whenever their ambitions had been thwarted the civil power had not been able to control them. "Of all the Colonies of England there is probably no Colony so absolutely dependent on the Military for the protection of peace and life and property", he wrote. The commander thought there were two obstructions to government action, first, the Premier whom he described as "a very old man and past work, so obstinate that he would not believe that the Impl. Govt. really meant to withdraw the troops." Bennett had remained incredulous even after an interview with the commander who told the Premier that action preparatory to withdrawal had already been taken. Another of the obstructions, according to the commander, was that the Executive Council contained a majority of Catholics,¹ who wished, for their own purposes, to get rid of the troops. In St. John's the Roman Catholics outnumbered the Protestants four to one, the commander reported. A large number of these, he thought, were Fenians. He also believed that "most of the Priests" were Fenians and he reported the rumour that the Fenian organization was thinking of making

¹This is incorrect; four of seven were Protestants.

St. John's a headquarters for its ultimate attack on England.¹

The commander had correctly reported that the merchants were very concerned about the withdrawal. The merchants had two fears: first, the fear of lawlessness, and second, the fear that they would lose the garrison as a customer. On April 4, the St. John's Chamber of Commerce unanimously passed a resolution stating that the retention of the garrison in St. John's was "absolutely necessary." The Chamber also requested the Government to take immediately such steps as they thought best to induce the Home Government to allow the battery of artillery to remain and to prevent the removal of any military stores that might be necessary for the maintenance of such a garrison.²

Meanwhile, the withdrawal was being discussed in the Legislature. At that time, it began to appear that rumours of disagreement within the Government Party were correct. James S. Clift, the Government spokesman in the Legislative Council, on April 4 advocated a policy in this matter different from the one adopted by the Government in the Assembly. At the beginning of discussion on the question, Clift had been favourable "to proceeding upon it by a joint committee of both houses." Later, however, "influenced by certain reasons", he concluded that "an Address from each chamber, would be more

¹C.O. 194/180, Commander of the Garrison to Grenville, April 1, 1870.

²Records of the St. John's Chamber of Commerce, Minute Book, 1866-1875.

desirable, and have equal effect." In the discussion, Clift expressed his desire to act "as an individual member of this body and apart from his position as Organ of the Government." Clift advocated an address that would "lead the Home Government to see that we are ready to pay a portion of the cost." If Newfoundland could not do that, he thought that there was no hope of retaining the troops.¹

The Legislative Council agreed with Clift that separate addresses should be made, and on April 6, they adopted their own address to the Governor. The address strongly urged on the local Government the "desirability of securing the maintenance of the Garrison." It suggested that the first consideration should be to prevent the withdrawal and then to negotiate with the Imperial Government the "terms of its continuance." Attached to the address was a paper listing points which the Council thought would justify the retention of the garrison. Newfoundland's isolation; the character and condition of the people, which made them unfit for militia organization; Newfoundland's trade with Britain; British capital investments in Newfoundland; past Imperial policies which retarded the growth of Newfoundland; the French shore restrictions; the precarious financial conditions of the colony; and loyalty to the Crown were all submitted as reasons for the retention of the troops. However, it was made clear

¹ Newfoundlander, April 8, 1870, Proceedings Legislative Council, April 4, 1870.

in the address itself, as Clift had suggested, that Newfoundland would be willing to pay something towards the maintenance of the garrison.¹ That the Legislative Council would agree to help pay for the maintenance of the troops was not immediately important. It was the Assembly which would have to grant the money for that purpose.

On the same day (April 4) that Clift made known his opinions on the impending withdrawal, C.F. Bennett introduced a set of resolutions in the House of Assembly, which had obtained a quorum on April 2. Bennett informed the House that the Government were unanimously of the opinion "that the Colony was not financially in a position to take upon themselves the additional burthen of paying the troops" He pointed for proof to "the poverty of the people", to the "great destitution" which had existed throughout the colony "for many years past", and to the "consequent annual increase in its debt."² The Assembly adopted the resolutions four days later. They dealt with much the same points as those of the Legislative Council, but made no mention of any willingness to contribute to the maintenance of the garrison.

The Newfoundlander immediately sprang to the attack. Having already classed the withdrawal of the troops as "one of

¹Journal Legislative Council of Newfoundland, 1870. "Address to His Excellency Stephen J. Hill", p. 38.

²Courier, April 9, 1870, Proceedings House of Assembly, April 4, 1870.

the penalties we have to suffer for the rejection of confederation",¹ the editor criticized the Assembly's address as "a new scandal added to their already crowded account of blunders and treachery." The address, according to the Newfoundlander, was "an exhibition of jackdaw arrogance set to the whine of abject poverty and helplessness." Again the Newfoundlander charged that Bennett was not really interested: "Mr. Bennett feels on this as on other occasions that he can afford to be reckless of the consequences of his public acts. Absorbed in selfish plots, he sees that the presence or removal of the troops can have no effect upon any of those operations which alone he is anxious to protect."²

The address was not without opposition in the Assembly as well. Carter thought it resembled "the complaint of an angry child or an old scold", and he criticized the Government for its sloth. He, too, blamed refusal to enter Confederation for the withdrawal of troops. Newfoundland had acted "in direct antagonism to the plainly expressed wishes of the British Government; we had refused to enter into a compact of which we should, to a large extent, have been provided with that assistance which we are now seeking, and it was idle now to expect that the British Government would change their policy

¹ Newfoundlander, "Some Results of Non Confederation", April 5, 1870.

² Newfoundlander, April 8, 1870.

or entertain our appeals to them with the sligghest [sic] favor."¹ The Assembly's address, nevertheless, together with that of the Legislative Council and the resolution of the Chamber of Commerce, was sent to the Colonial Office by the Governor.

In sending the documents, Hill agreed that "the maintenance of a garrison in St. John's was "essential for the protection of property."² In addition, Hill wrote to a friend of his at the Colonial Office explaining conditions in Newfoundland. The Governor thought that "all the most respectable people are in favour of the troops being retained, even if paid for by the Colony" He contended, however, that since the Anti-Confederate Party in the Assembly was composed chiefly of men "having no status and little to lose", and was supported by the "rowdy portion of the Community", it was "as compared with the General Public, luke warm on the subject." The Governor also reported that there was "a considerable number of Fenians" in the colony and these would be pleased to see the garrison withdrawn.³ Whether the Anti-Confederates wanted to see the troops withdrawn or not is uncertain. It may have been that they still found it

¹ Courier, April 21, 1870, Proceedings House of Assembly, April 8, 1870.

C.O. 194/179, Hill to Granville, No. 25, April 13, 1870.

C.O. 194/179, Hill to Joseph, April 12, 1870.

incredible that the withdrawal would take place. As late as April 26, the editor of the Morning Chronicle, Francis Winton, himself an Anti-Confederate member of the Assembly, stated his belief that the Royal Artillery would remain.¹

The reply to the addresses left little doubt that the troops would be removed. Granville, in his reply, presented a point by point refutation of Newfoundland's claims. If a militia were required for the security of property and the enforcement of order, it was for the Legislature and the Administration which possessed its confidence "to remove causes of discontent and disorder by the advancement of education, the institution of a paid or unpaid police, the economical equitable administration of government and a public spirited conduct of affairs." Regarding the suitability of the Newfoundlanders for militia work, Granville observed:

I cannot doubt that a population that is certainly bold and hardy, and is said by the Council and Assembly to be loyal, will if properly appealed to, furnish materials for a force capable of protecting their own property, and preserving the order in which all are interested.

As far as providing protection because of trade between Britain and Newfoundland, and British investments in Newfoundland were concerned, the claim was baseless.

If they buy their manufactured goods from England, it is of course because they find it their interest to buy these goods, as it is the interest of the British manufacturers to sell them. This accident of deriving

¹Morning Chronicle, April 26, 1870.

advantage from British capital and industry is common, to Newfoundlanders with many foreign countries and does not in itself constitute any reason for defending them in time of peace at the expense of the United Kingdom.

Granville's answer was an unqualified "no".¹

The Newfoundland Government, having risen to action, did not readily admit failure. On June 20, the Executive Council empowered C.F. Bennett and Thomas Talbot to negotiate with the Colonial Minister in London for the retention of "a Military force in the colony."² Nevertheless their efforts were unsuccessful. On August 13, 1870, Lord Kimberley, who had recently become Secretary of State for the Colonies³ wrote to Hill informing him of the negotiations. The arguments put forward by Bennett were "substantially the same as those which were urged by the Legislative Council" in April. The Imperial Government saw "no reason for departing from their determination ... to withdraw the garrison."⁴

While in London, Bennett wrote to Edmund Wodehouse of the Colonial Office suggesting that two gunboats be stationed at St. John's.⁵

¹C.O. 194/179, Granville to Hill, No. 25, May 16, 1870.

²C.O. 194/179, enclosed in Hill to Granville, No. 41, June 20, 1870.

³Wodehouse, John, first Earl of Kimberley (1826-1902). Secretary of State for the Colonies, July, 1870, to February, 1874, in the first Gladstone Ministry. (D.N.B., 1901-1911 Supplement, 695-699).

⁴C.O. 194/179. Kimberley to Hill, No. 41, August 13, 1870.

⁵C.O. 194/180, Bennett to Wodehouse, August 5, 1870.

However, having consulted the Admiralty, the Colonial Office informed the Government of Newfoundland that "owing to the prevalence of ice on the coast", it would not be practicable to have vessels visit St. John's between December and April.¹

Thomas Glen, the Receiver General, apparently having resigned himself to the eventual withdrawal, telegraphed Bennett to have him ask Kimberley if the troops would be allowed to remain until the meeting of the Legislature.² Such a postponement would give the Government of Newfoundland time to provide for a substitute force. This too was denied.

Early in October, correspondence between the Imperial and the Newfoundland Governments was published in the St. John's Royal Gazette.³ This was, in effect, an announcement of failure by the Newfoundland Government. On October 20, the Executive Council decided to increase the police force to sixty men and to procure a "proper person ... in Ireland or London" to act as superintendent of the force.⁴ On November 8, the Battery of the Royal Artillery left St. John's for Bermuda.⁵ Governor Hill was able only to express his

¹ Despatches from the C.O., 1870, Wolley to Holland, enclosed in Kimberley to Hill, No. 46, August 20, 1870.

² C.O. 194/180, Glen to Bennett, September 21, 1870, enclosed in Bennett to Wodehouse, September 22, 1870.

³ Royal Gazette, October 4, 1870.

⁴ Minutes of the Executive Council, October 20, 1870, p. 77.

⁵ C.O. 194/179, Hill to Kimberley, No. 79, November 10, 1870.

personal fear and the alarm of the mercantile community at the departure of the troops.¹

The Opposition availed themselves of one more opportunity to castigate the Government's policy regarding the removal of the troops. The Address in Reply to the Governor's Speech from the Throne of 1871 expressed regret at the departure of the Imperial Garrison. This gave the Confederates an opening further to criticize the Government's policy. Carter drew attention to the fact that withdrawal of the troops would result in a loss of £25,000 to the merchants of Newfoundland and condemned as unfair the imposition on the general revenue of the burden of paying for the police force.² Carter suggested that if the police force were to serve only St. John's, then the fairest means of maintaining that force would be the imposition of a special tax on the citizens of St. John's.² The Government gave no indication that it would change its policy, however, and the Opposition's amendments to the Reply were defeated on a straight party vote.³

In 1870, Bennett's Government was threatened by

¹C.O. 194/179, Hill to Kimberley, No. 79, November 10, 1870.

²Morning Chronicle, February 4, 1871, Proceedings House of Assembly, February 2, 1871.

³Journal House of Assembly of Newfoundland, 1871, pp. 20-21.

something which could prove to be of even greater danger than either the Burin election case or the removal of the garrison. As early as February, the Public Ledger had attempted to stigmatize the Government with a sectarian character. The editor of the Public Ledger thought that Protestants generally were in favour of Confederation and that the opposition lay principally with the Roman Catholics. The Public Ledger pointed to the Executive Council as proof of the Anti-Confederate Party's sectarian nature. Of the six members taken from the House of Assembly, five represented Roman Catholic Districts.¹ However, two of these, including Bennett, himself, were Protestants. The Daily News also drew attention to the supposed Roman Catholic bias of the Government, and in June, the Courier complained that the Telegraph had "represented all in connection with the Anti-Confederate Party as being in league with the Fenians and Fenian conspirators."³

The sectarian issue came up for discussion as well, in at least two of the by-elections of that year. Even in the St. John's West by-election there were undertones of sectarianism. That by-election was not contested by the Confederates. Lewis Tessier, the first Protestant ever to represent St. John's West, was elected by acclamation. How-

¹Public Ledger, February 25, 1870.

²Daily News, March 19, 1870.

³Courier, June 8, 1870.

ever, the Anti-Confederates made such importance of Tessier's religion that his nomination seems to have been merely an attempt to prove that the Anti-Confederate Party was not a Roman Catholic party. Neither the by-election in Ferryland, nor the one in Harbor Main, both Roman Catholic Districts, was contested by the Confederates and sectarianism seems not to have been a factor. The by-election in Bay-de-Verds, a predominantly Wesleyan District was contested by two Protestants. Of this election the Telegraph said:

The question [Confederation] was argued on its Merits and Mr. Rogerson [the Confederate, who won 74.98 per cent of the vote] solicited support as its advocate and would stand or fall on the issue; every vote solicited being asked in aid of Confederation. The reference to Fenianism and Roman Catholics is unworthy of notice. Mr. Reader [the Anti-Confederate candidate] professed to be satisfied on this point before he left the shore.¹

The fact that the question arose at all, however, is worthy of note. In by-elections held in both Placentia and St. Mary's and Trinity Bay, sectarianism was raised. Pierce M. Barron, one of the defeated Confederate candidates in 1869, accused Major Henry Renouf, the Surveyor General, of "bringing up his family as Protestants."² Such a rumour, in a District such as Placentia and St. Mary's in which 84 per cent of the population was Roman Catholic, could have a very damaging effect. It

¹Telegraph, April 13, 1870.

²Morning Chronicle, July 25, 1870.

was in Trinity, however, that sectarianism played the most important part. In September, the Morning Chronicle reported that the Confederate candidate, John Warren, had relied on "the lying statement, fabricated and circulated by him and his fellow worker, J.O. Fraser," that Robert Alsop, the Anti-Confederate candidate, had become a Roman Catholic.¹ Again on September 19, the Morning Chronicle accused the Confederates of "stirring up sectarian strife which has been so long the bane of the country."² Both the Public Ledger and the Newfoundlander denied these charges. The Newfoundlander added that Captain James Murphy of Catalina and "many other equally orthodox Catholics" were among the "formost supporters of Mr. Warren." The possibility was admitted, however, that "some wag" had jokingly made the accusation that Alsop had become a Roman Catholic.³ However, even a joke needs some relevance, in order to be appreciated.

Whether or not these specific allegations were true, it was again becoming evident that the importance of sectarianism as a political force was not to be underrated in Newfoundland. The Public Ledger, for example, pointedly criticized the Government on religious grounds. "The Protestants of the Country", it said, "must have been insane

¹ Morning Chronicle, September 15, 1870.

² Morning Chronicle, September 19, 1870.

³ Newfoundlander, September 27, 1870.

when they put the supreme power over our affairs into the hands of men who, to say the least of them, are totally indifferent to Protestant interests."¹

Bennett had at least one important point in his favour. 1870 was a year of relatively great prosperity in Newfoundland. With the exception of 1869, the decade following 1860 had been one of depression, dire poverty, and even of starvation. In 1869, the Government's surplus had been \$45,000, almost twice as large as that of the previous year. Expenditure on poor relief in 1869 had accounted for \$92,719.74 compared with the \$100,398.84 spent for the same purpose in the year previous. In 1870, there was an improvement over even 1869. The revenue rose from \$711,528.29, in 1869, to \$879,790.54, in 1870. The expenditure in the same period rose from \$666,492.66 only to \$709,652.77. At the same time, there was a decrease from \$92,719.74 to \$90,712.60 in the expenditure for the relief of the poor.²

Given the prosperity of 1870, it was already apparent that the issue of Confederation with Canada was being relegated to a position of secondary importance. Notwithstanding the Confederates' assertions, from time to time, that union would bring improvement, there was little Confederate campaigning as such. Instead, the Confederate newspapers pre-

¹Public Ledger, November 26, 1870.

²See Appendix F, p. 232.

ferred to raise the sectarian cry. The Confederates may have been going on the assumption that if the Protestants were to unite in ousting Bennett in the next election, Confederation would naturally follow. On the other hand, they may have been attempting, without any other aim, merely to win office. In the meantime, however, Bennett's party seemed to be entrenched firmly in power. Although the defeat in the Trinity by-election of Robert Alsop, the Colonial Secretary, may have been caused at least in part by sectarianism, there was as yet no serious split in the Anti-Confederate Party. At the end of 1870, there was little indication of how important sectarianism would become or whether Bennett would be able to overcome the trend toward the re-establishment of sectarianism in Newfoundland politics.

CHAPTER III

BENNETT'S GOVERNMENT AND THE SECTARIAN MENACE, 1871

In the election campaign of 1869, sectarianism had played, if anything, a very small part. Voters had made their choice, for the most part, without thought of sect. In 1870, sectarianism reappeared as a basis for political argument in the politics of Newfoundland. Sectarianism, in 1871, became even more important and unless the Anti-Confederates could check its growth before the next election it was probable that they would lose the support of at least some of the Protestant Districts. There were two ways in which the Anti-Confederates could attempt to check the growth of sectarianism: one, they could continue their attacks on Confederation and keep alive the fear of union with Canada; and two, they could make issues of their own and seek thereby either to unify Roman Catholics and Protestants or to divide the Protestants. Premier Bennett's position, however, even at the beginning of 1871, was far from strong. In 1870, he had failed to quell the sectarian cries when they had first been sounded. It would be more difficult now that they had grown in intensity.

Early in 1871, the St. John's Anti-Confederate Morning Chronicle reported the circulation in Conception and Trinity Bays of fly-sheets expressing extreme sectarian views. One of those quoted by the Morning Chronicle reported that C. F. Bennett had paraded in St. John's "night after night with a mob who on more than one occasion displayed the Fenian flag and who generally wound up the work with three cheers for

Fenians." The same fly-sheet was said to have accused Bennett of having told the Imperial Government that Newfoundland "did not want the soldiers" because he wanted to please the Fenians.¹ Although the fly-sheets, if this report is correct, were more extreme in their views than most of the St. John's newspapers, the difference was a matter of degree only.

The editor of the Morning Chronicle accused the Confederates of having allotted to the Public Ledger, on the one hand, the task of criticizing the Government on sectarian grounds. The Roman Catholic Newfoundlander, on the other hand, had as its role "to vilify Mr. Bennett" in a non-sectarian manner.²

One of the points which the Public Ledger brought up from time to time was that of representation in the House of Assembly. The Protestant Districts were, as compared with the Roman Catholic Districts, under-represented. Placentia and St. Mary's with a population of 8794, 84 per cent of which was Roman Catholic, had three members in the Assembly; while Fogo and Twillingate, with a population of 13,067, 85 per cent of which was Protestant, had only two members in the Assembly. Ferryland, the most over-represented District, with a population of only 5991, 95 per cent of which was Roman Catholic, sent two members to the Assembly, while Bay de Verde with a population of 7057, 75 per cent of which was Protestant,

¹ Morning Chronicle, January 13, 1871.

² Morning Chronicle, January 18, 1871.

sent only one member. It was not only in the newspapers that the Confederates pressed for a redistribution of Assembly seats. The Confederate members of the Assembly, as well, pointed to the unfair distribution then existing. "Was it fair", asked F. B. T. Carter, "that three districts containing a population of 21,327 should have seven representatives, whilst three other districts with a population of 27,660 had only three?"¹

One of the most severe critics of the Anti-Confederate Party was the St. John's newspaper, the Telegraph. The Telegraph singled out Thomas Talbot for special abuse, accused him of being the real leader of the Anti-Confederate Party, and recalled his past anti-English statements. On January 11, 1871, the Telegraph quoted, from the Record of 1862, an article written by Talbot. In that article Talbot had contrasted "Bible-reading, Bible-exporting, Tract-distributing, Missionary-sending England," and "child-murdering, wife-beating, suicidal, impure, dishonest, creedless England" and prophesied that a "storm" was "gathering over England." He continued: "May it when it bursts, humble her pride, chasten her heart, and hush for ever the impious boasts which are now continually on her lips. On the day of her chastisement honest people all over the world will experience a sense of relief." In the opinion of the Telegraph, this stamped Talbot as a Fenian -

¹Morning Chronicle, February 4, 1871, Proceedings House of Assembly, February 1, 1871.

"This is what they preach - Talbot and the arch-Traitors."¹
 Another proof of the Fenian character of the Government, thought the Telegraph, was their decision to seek a superintendent of police in Ireland or London. "They say from the Irish or London Constabulary and we all know which will be selected. The result will be that when this Irish superintendent arrives, he will quickly arrange for the importation now and again of a batch of his friends from across the water, and eventually, we will have an Irish Police Force - pure and simple!"²

It is not known what circulation the Telegraph had at the time, but in January the Anti-Confederate Courier reported that "for months past the paid agent of the Confederate League" had been "deluging Trinity Bay with his infamous fly-sheets, and has scattered the Telegraph and the Express broad-cast all over the country." The Courier charged that "large quantities of the Express and the Telegraph" had been sent "to certain parties in St. John's, who have transmitted them to various persons in the country who were never subscribers to these papers."³ It may be that the Confederate League had arranged for the distribution of these papers in Districts where Protestants were in a majority, such as Trinity Bay, where 90 per cent of the population was Protestant. It is doubtful, however, what immediate effect these papers had;

¹Telegraph, January 11, 1871.

²Telegraph, February 1, 1871.

³Courier, January 11, 1871.

in a by-election held in Trinity District in 1871 the Anti-Confederate candidate was elected by acclamation.

Later in the year the Courier was more specific in its accusations:

The Telegraph last year was sent in immense numbers to the office of Mr. Emerson [Confederate member in the Assembly for Burgeo and La Poile], and we are in a position to prove that that slimy, disgraceful and disreputable print was sent by order of the Confederate League to various parts of the country, and was extensively circulated in Hants Harbor and other places in Trinity Bay where Mr. Rendell [Confederate member in the Assembly for Trinity Bay] had influence.¹

The Courier, in January, had blamed sectarianism for the defeat of Robert Alsop, the Colonial Secretary, in the Trinity by-election in 1870. At the same time it accused J.O. Fraser, a member of the Confederate League, of acting as the agent of that group in an attempt to "misrepresent and falsify" Stephen March, the defeated Anti-Confederate candidate in Trinity in 1869.² In the House of Assembly, as well, the role of sectarianism in the Trinity by-election was discussed. Peter Brennan accused John Warren of telling the people in Trinity Bay that if Robert Alsop were to be elected "their wives would have to be married again, their children christened by the Priest, and the British Government overthrown." Although Warren was present in the Assembly at the time, there is no indication that he tried to deny the charge.³

¹Courier, February 7, 1871.

²Courier, January 11, 14, 1871.

³Morning Chronicle, February 14, 1871, Proceedings House of Assembly, February 6, 1871.

As the Morning Chronicle had observed, the Public Ledger was also using sectarianism in its campaign against the Government. One of the main points of contention for the Public Ledger was representation in the Legislature. "It is vain," said the Public Ledger, "for the Anti Organs to assert that the present Government represents Protestant interests. The Government is to all intents and purposes Roman Catholic. There may be two or three nominal Protestant members of it; but these may as well go to Rome or anywhere else for ought they care about their fellow religionists." The deplorable fact, according to the Public Ledger, was that Protestants "falsely so called" abetted the Roman Catholics in gaining a position to which they were "not entitled by their numbers." It was in this context that the Public Ledger accused C. F. Bennett of having gone to Dr. Power, the Roman Catholic Bishop of St. John's, previous to the by-election in St. John's West on January 16, 1871, to seek his influence "telling him that all depended upon him."¹ Bennett termed the accusation "gross and malicious falsehoods" and said it was unnecessary for him to deny it. Since Adam Scott, the editor of the Public Ledger, was the Master of the General Protestant School, Bennett accused him of setting an immoral example to the children under his charge and publicly asked the General Protestant Board of Education whether they sanctioned such conduct.²

¹Public Ledger, January 20, 1871.

²Morning Chronicle, January 23, 1871, Bennett to the editor, January 21, 1871.

In reply Adam Scott made a public statement in his newspaper citing evidence of Bennett's alleged dishonesty.¹ This was clearly an invitation to Bennett to prove himself innocent of the charge that he had sought the support of Bishop Power in the by-election. Bennett replied, "I declare, upon my word, (which I think no man in this community who knows me will doubt,) that I never uttered a word of the kind to the Rt. Rev. Dr. Power, Roman Catholic Bishop of St. John's, nor to any of the Roman Catholic Clergy."² Scott was undaunted. If Bennett wanted to clear himself, wrote Scott, "he must give us something more trustworthy than an 'I declare upon my word, which I think no man in this community or in the Colony who knows me will doubt.' We doubt his word - more than doubt it - and every reasonable man in the Colony must doubt it, on recalling the proofs we have advanced of his untruthfulness."³

The dispute between Bennett and Scott provided an opportunity for the Newfoundlander to attempt to alienate the Roman Catholic population from Bennett. After the first of Bennett's denials appeared in the Morning Chronicle, E. D. Shea, editor of the Newfoundlander wrote:

He speaks of "gross and malicious falsehoods wholly inconsistent with that unblemished character which I have established" and then gives this example. "In the Public

¹Public Ledger, January 31, 1871.

²Morning Chronicle, February 1, 1871, Bennett to the editor, January 31, 1871.

³Public Ledger, February 3, 1871.

Ledger of yesterday this gentleman (the Editor) charges me with having become a Roman Catholic." Think of this, reader, and say was ever "character so grossly, so maliciously" aspersed Think of all that his "character" has already stood and yet kept "unblemished". Think of all last winter's doings, falsifications and conviction in court]... . All this involved no strain, no shade inconsistent with the "unblemished character" which after all came out of Court to vie "with the lily or the half-blown rose" in its purity and beauty of colour. Against these and all other charges he was proof ten times over - but who could be expected to be proof against the latest and direst of all the enemy's inventions - that ... Charles Fox Bennett "had become a Roman Catholic"!

.....

We trust the "Protestant community" are now reassured, and that the Catholics, seeing how necessary it is for Mr. Bennett's "character" and "consistency" that he should indignantly scout the imputation of being a "disloyal Roman slave" will feel how much more disinterested is all that affection in which he now holds them.¹

It is noteworthy that even the Roman Catholic Newfoundlander admitted Bennett's connexions with the Roman Catholics.

At the same time as the Government was being criticized on sectarian grounds, it was accused of failing to define a policy of action. The Public Ledger thought that the members of the Executive Council were politically incompatible with each other.² This was a restatement of the conviction held by many Confederates, including the Governor, that the Anti-Confederate Party could not long exist because of the antagonisms represented within it.

In the face of such criticisms, the Anti-Confederates attempted two courses of counter-attack. On the one hand, the Anti-Confederates pointed out the disadvantages of union with

¹ Newfoundlander, January 24, 1871.

² Public Ledger, February 10, 1871.

Canada. Bennett, himself, led this campaign. In January, he took exception to an editorial in the St. John's Express which said, assuming that Newfoundland's population were to increase to 150,000 by May, 1871, the Federal grant to the province under Confederation would be \$433,505. Bennett began by denying the truth of the Express' statement. He argued that for the ten years following 1869 the Federal grant would not change with population but would be increased or decreased only after the next census showed what the change should be. Having thus dealt with the argument of the Express, Bennett went on to criticize the limiting of the Federal grant. According to the terms of union arranged in 1869, Federal grants were to increase with population only until the population reached 400,000. At that point, Bennett computed, the Canadian Government would not receive a mere £72,000 in taxes as it would have in 1871 had Newfoundland been a province of Canada. The total would be £370,000. "That is", he continued, "we should receive back from Canada 4s per head, whilst our people would be taxed at the rate of 27s 6d per head - and to this would have to be added all the additional taxation that we should have to pay under the Dominion"¹

The other course adopted by the Anti-Confederates was to attempt to prove that Bennett had so far given better government to the colony than Carter had. The Morning Chronicle

¹Morning Chronicle, January 23, 1871, Bennett to the editor, January 20, 1871.

pointed especially to the improved fiscal policy of the Government. The Anti-Confederates had reduced the duties on flour and bread by £12,000. The Road Grant was increased to \$90,000, and the Education Grant by \$6,133 to a total of \$49,511.48.¹ The other points noted by the Morning Chronicle did not give so much reason for commendation. Two coastal steamers, instead of one, had been employed to carry mail and passengers to the outports, but even the Morning Chronicle admitted that this was not being "so satisfactorily done as it might and should have been." One other evidence of the success of the Anti-Confederate Government cited by the Morning Chronicle was the decrease in the stamp tax from 5¢ to 3¢. This decrease was cited, however, not because of its consequence but because, no matter how small, it was a reduction. "This may be regarded by some", the editor said, "as of small consequence, but it is a reduction which has effected a larger saving of money to the people than is generally supposed."² Nevertheless it is an indication of how little the Bennett Government had done, that this accomplishment was listed in a group of five. In February, the Morning Chronicle printed a comparison of salaries paid to members of the Anti-Confederate Government and those paid to the members of Carter's Executive Council. Altogether, the figures showed

¹ Journal House of Assembly of Newfoundland, 1871, App. p. 529. (approximately \$4.56 to the).

² Morning Chronicle, February 3, 1871.

a saving under the Anti-Confederates of \$3,945.84.¹ The saving was made possible by a reduction of all salaries paid to Executive Council members, as office-holders, and a discontinuation of member's pay to those in the Executive Council. Eight days later, the Morning Chronicle compared the revenues and debts of 1869 and 1870. In 1869 the revenue had been £203,000. That year the debt was £64,000. The Anti-Confederate Government in 1870 with a revenue of £207,000 left the colony "in credit £23,000."²

It may have been that the Anti-Confederates, as well as attempting to divert attention from sectarianism, were also trying to lessen the divisions already existing within the Party. One of the most striking evidences of the division that existed in the Anti-Confederate Party was shown in the House of Assembly during debate on the Permissive Bill. On March 13, Francis Winton, the Anti-Confederate member for Bonavista and editor of the Morning Chronicle, presented to the Assembly a Bill "to prohibit the common sale of intoxicating liquors." The Bill provided that if two-thirds of the "duly qualified electors of any town, village, ward or division of a town, district or settlement" were to declare itself in favour of a prohibition of the sale of, or the issuing of licenses for the sale of intoxicating liquors in its locality, it would be lawful for the Governor to issue a proclamation to

¹Morning Chronicle, February 16, 1871.

²Morning Chronicle, February 24, 1871.

that effect. In order for the necessary poll to be taken one-tenth of the electors in the locality was to present "to the nearest Stipendary Magistrate" a requisition asking for a vote.¹ Debate on this Bill split the Anti-Confederate Party into two factions. This division was similarly drawn to that on religion. Generally the Protestants, on both sides of the House, supported the Bill; and the Roman Catholics condemned it. The only exception, of those who spoke was Robert John Parsons, a Protestant who had been a Liberal since the granting of Representative Government. Parsons thought that "the measure before the House would produce no good whatever", and his son who was probably a Roman Catholic said that it was "utterly absurd in its purposes and provisions." Many of those opposing the Bill, while agreeing on the "evils of drink" thought that such a law would be ineffective.² Nevertheless, the fact that those who took this point of view were nearly all Roman Catholics, is significant. None of the voting was recorded, either in the Journal of the Assembly, or in the official report of the proceedings, so the actual division is not known. However, a good indication of the split within the Anti-Confederate Party can be got from the debates and in spite of the fact that the Bill finally passed, it seems that the old antagonisms between Liberals and Conservatives came into the open.

¹Morning Chronicle, April 5, 1871.

²Morning Chronicle, April 10, 1871, Proceedings House of Assembly, March 31, 1871.

Further evidence of the lack of solidarity in the Anti-Confederate Party was provided by an education Bill introduced into the Legislature by C. F. Bennett, himself. The first government grant to education in Newfoundland had been made in 1836. At that time a "mixed system" of education existed, all denominations being educated together. In 1842, however, petitions were presented to the Legislature praying for a division of the education grant. Petitions were received from Wesleyans and Anglicans, as well as Roman Catholics. The following year the Wesleyans changed their policy and petitioned against division on the grounds that the grant was too small and that the census on which the proportion of grants was to be based was incorrect in recording the number of Wesleyans. Consequently, only one division was made - that between Roman Catholic and Protestant. After 1843, petitions were received periodically in support of sub-dividing the Protestant grant. In 1871, a petition was received from the Anglican Lord Bishop of Newfoundland. Its arguments were: one, that the Government had already admitted the principle of denominational education by the first division; two, that with one small exception, no grant under the Education Act had been made to the Church of England as had been to the Roman Catholics; three, that therefore the members of the Church of England had been "hindered in carrying out the Liberal intentions of the Legislature", and Anglicans did not "derive

such benefits and advantages as they otherwise might and would do."¹

During the same session of the Legislature, however, petitions opposing sub-division were received from Moses Harvey, Minister of St. Andrew's Free Presbyterian Church and from John S. Peach, Chairman of the Wesleyan Conference of Newfoundland.² So important had the question of sub-division become that the Inspector of Protestant Schools, John Haddon, included in his annual report a section dealing with that subject. Haddon opposed the measure, and gave seven reasons for his objection. Sub-division, he thought, was unnecessary. Protestant children had been educated together for thirty years and there had been "no indication of the disapprobation of parents to such associations." Haddon's second objection was that a "great waste of Educational means ... would follow." Sub-division would result in the building of more schools which would be "a waste of expense and needless trouble ... when the present ones are sufficient to accommodate the pupils." The average daily attendance of all the schools, per school, was at that time only 32. Haddon also thought that sub-division "would be doing a great injustice to teachers." Teachers' salaries would have to be divided to provide for the extra teachers that would be required. Since the average

¹Journal House of Assembly of Newfoundland, March 23, 1871, p. 116.

²Journal House of Assembly of Newfoundland, April 11, 1871, pp. 153-154.

teachers salary was then only £35-3-9, some teachers would probably suffer real hardship. The fourth objection was that sub-division would not improve schools. "It would not at all affect those places where the inhabitants are all of one Church ... and in those places where the inhabitants are mixed and a division of the school money would be made, the salaries must there be so small that efficient teachers will not be procured." Sub-division would also be a bar to improvement and progress, Haddon thought. The "care and concern" of the schools would be made over to the churches and would almost be beyond the power of the Government. Haddon thought that education was "far safer, more justly and satisfactorily administered and more progressive in the hands of the Government than in the hands of the Churches, which often means the ecclesiastics only." The sixth objection arose "from the social and political wrong that would be done." Haddon apparently thought that sub-division in education would propagate bigotry. The last objection was to "the narrow-mindedness and selfishness of the scheme."¹ Haddon implied in his report that the clergy, and not the parents of the children, were the people who wanted sub-division. There may have been some truth in that since the only petition in support of sub-division in 1871 came from Bishop Field.

Even at the introduction of the Bill, Bennett, himself a member of the Church of England, must have had misgivings.

¹ Journal House of Assembly of Newfoundland, 1871,
App. pp. 538-540.

In presenting the Bill to the House of Assembly he made it quite clear that the Bill was being introduced "on its own merits of justice, and of right, and not as a Government measure."¹ The Bill apparently was criticized even more strongly than Bennett had anticipated, for in moving second reading he stated his intention of withdrawing the Bill. Nevertheless, it was debated and the debate showed a division within the Anti-Confederate Party. Despite Bennett's announced intention of withdrawing the Bill and statements made by some members that the vote would not be binding upon them in future discussions, several Government supporters refused to give the Bill any support. Francis Winton, William Barnes, James L. Noonan, the three members for Bonavista and Smith McKay, one of the members for Twillingate and Fogo, all opposed the measure.

If Bennett had been motivated only by a desire to change the financial system of education, it seems strange that he should have bothered to begin debate in a House known to be hostile to that change. His intention may have had little whatever to do with education. One of the main criticisms of Bennett had been that he had ignored Protestant interests and had submitted to the domination of Roman Catholics. It may have been that he thought there was no better way to divide the Protestants politically and win the support of the Anglicans than to advocate sub-division of the Protestant

¹Morning Chronicle, April 15, 1871, Proceedings House of Assembly, March 30, 1871.

education grant. According to the census taken in 1869 there were 55,184 Anglicans in Newfoundland. Anglicans were in a majority in six electoral districts and Anglicans and Roman Catholics combined were in a majority in every district in the colony except Bay de Verde. Bennett already had the support of every Roman Catholic District and the probability that he would retain that support in the next election was very strong. If he could count on the support of Anglicans as well, he would have no difficulty in winning the majority of seats in the next election. Bennett's eulogy on the Anglican Bishops seems to indicate that he was courting their favour. In the House of Assembly, while discussing his Education Bill, he said:

Who so competent as that able, good and excellent prelate, the Lord Bishop of Newfoundland, to superintend the Church of England schools? Who has devoted his whole life to the subject of education, who was previously [sic] to his coming to this country, diocesan inspector of schools in England, and who, without any aid from the Government, soon after his arrival in this country, established a boys school, which continued self supporting up to the time when [sic] the Academy grant was sub-divided; who also established a girls' school, which has continued to exist, with advantage to the girls of every Protestant denomination, without Government aid, to the present-time; and who more competent to assist his Lordship in the supervision of these schools than the Coadjutor Bishop, a gentleman possessing rare abilities, and who likewise was a diocesan inspector of schools in England.¹

Surely Bennett did not believe that a change in the financial system of education was warranted merely in recognition of the abilities of two men to act as supervisors, no matter how

¹Morning Chronicle, May 18, 1871, Proceedings House of Assembly, April 13, 1871.

pronounced these abilities might be. The Education Bill, whether intentionally so or not, would have resulted in Anglican control of most of the Protestant schools in the colony. Bennett explained in introducing second reading of the Bill that in communities "where two schools could not be advantageously established" and where the majority of the children between the ages of five and twelve were Anglicans, the School Boards would be made up entirely of members of that denomination. Of course the same was true of Wesleyans in communities in which Wesleyans were in a majority, but since Anglicans were in most Districts in a majority, they would control most of the schools. Whatever Bennett's original intention had been, "in compliance with the desire of members on both sides of the house", he decided not to carry the Bill beyond second reading. The discussion of Bennett's Education Bill, while it showed with what ease a rift could develop within the Anti-Confederate Party, also showed Bennett's apprehension concerning the popularity of his Party in the country as a whole.

The Anti-Confederates seem to have been plagued by difficulties during their term of office. At the same time as the discussions of the Education and the Permissive Bills were taking place, the Government was confronted with a problem that was international in scope. In February, 1871, the American steamer, "Monticello", came to Newfoundland, fitted out for the seal hunt in Bay Roberts, Conception Bay, and

returned to St. John's with her catch which was then manufactured into oil. The problem arose when it was realized that the oil would be let into the United States free of duty. If this were to continue, the Newfoundlanders would have difficulty in competing in the American market.

The first visit of the "Monticello" to Newfoundland's waters was made in the winter of 1869-70. At that time the Revenue Officer at Bay Roberts had inquired of the Customs Office in St. John's whether he should charge duty on the "Monticello's" supplies. He was informed that he should. The "Monticello" paid the duties¹ and caused little if any interest on the part of Newfoundlanders. The return of the steamer in 1871, however, worried the merchants of Newfoundland, who began to fear that in 1872 Americans would send more ships and eventually would monopolize the seal hunt. The United States, in 1870, ranked second among the importers of seal skins and third among the importers of seal oil from Newfoundland. The value of the trade was \$51,024,² and while this was a relatively small portion of the total value of seal products exported, the loss of even a small market could have an adverse effect on the economy of Newfoundland. The American duty on seal oil was 20 per cent. Thus the seal oil from the "Monticello" which was admitted into the United States

¹ Journal Legislative Council of Newfoundland, 1871, App. No. 36, pp. 281-288.

² Journal House of Assembly of Newfoundland, 1871, App. pp. 391, 395.

duty-free had a decided advantage over any imported from Newfoundland.

As might be expected the merchants were among the first to express publicly their concern about the "Monticello's" visits. On March 24, the President of the St. John's Chamber of Commerce wrote to the Governor asking for action by the Imperial Government.¹ Before this, on March 20, W. J. S. Donnelly, Confederate member of the Legislative Council, asked the Government to provide the Legislative Council with the opinion of the Law Officers as to whether the "Monticello" was acting within the limits of the Convention of 1818 between the United Kingdom and the United States of America. On the same day, the Legislative Council sent a Message to the House of Assembly asking it to take action:

The evil consequences to the general interests of this country of permitting the prosecution by Foreigners of one of our staple branches of industry in direct competition with the trade of this country in our own ports, and availing of the experience of our men and the manufacturers, must be too apparent to require comment. And the reason for its prevention in the case of the United States, is much strengthened by the fact of the almost prohibitory Tariff of that country upon the importation of the produce of this Island, and the policy which prevents British ships from being purchased and registered by American subjects, and which excludes British vessels from the Coastal Trade of the United States.

The Council suggested that "a mode of making an immediate provision on this subject may be found by laying a duty upon seals imported, and extending the Warehousing clause now in the Revenue Bill relating to the importation of fish." The

¹C.O. 194/181, Hill to Kimberley, No. 19, March 29, 1871, Enclosure: Rendell to Hill, March 24, 1871.

Legislative Council therefore deferred final passage of the Revenue Bill, which had already entered Committee stage, until the Assembly would have had time to consider the suggestion made in the Message.¹

On April 3, the House of Assembly drafted a message in reply to the Legislative Council. The Assembly's message stated that the institution of such a measure as the Legislative Council had suggested "might imperil the Revenue Bill". The Government feared that the Bill would not receive royal assent. The Assembly's Message also informed the Legislative Council that "the whole subject to which their message" had referred had been submitted to the Imperial Government for its consideration. Carter attempted to have inserted a clause supporting the imposition of a duty of twenty per cent ad valorem on seal oil and skins bound for America. The amendment, however, was defeated.²

The Government had already asked for and received the opinion of the Chief Justice, Sir Hugh Hoyles. His opinion was that the fitting out of the ship in Newfoundland "would seem to be at variance with the Treaty as well as with the provisions of the Imperial Act 59, Geo. III, 6.38."³ The

¹ Journal Legislative Council of Newfoundland, March 20, 1871, pp. 61-62.

² Journal House of Assembly of Newfoundland, April 3, 1871, pp. 146-147.

³ C.O. 194/181, Hill to Kimberley, Confidential, March 24, 1871. Enclosure: Hoyles to Hill, March 21, 1871.

Attorney General, J. I. Little, agreed.¹ However, these decisions were based on the colloquial use of the word "fish" to include seals. The British Law Officers disagreed and Kimberley informed Hill that seals were included neither in the Convention of 1818 nor in the act to which the Chief Justice had referred.²

In the meantime, the Legislative Council had adopted another Message to the Governor. This Message suggested that if the "Monticello's" actions were not an infraction of treaty rights, they were "an intrusion, with which, in the absence of a Treaty, the Colony has, through its Legislature, a complete and inalienable right to deal as a question of Marine and Territorial right."³ Kimberley admitted the right of the Colony to assert its territorial rights against foreigners but added that the Imperial Government would "view with great regret" legislation designed to restrict American sealers in Newfoundland's waters.⁴

By the time the Government of Newfoundland received the British Law Officers' opinion, it was clear that the Government did not intend to institute any preventive measures. The Legislative session had ended on April 24 and the Government

¹Journal House of Assembly of Newfoundland, 1871, App., p. 982.

²C.O. 194/181, Kimberley to Hill, No. 29, June 20, 1871.

³C.O. 194/181, Hill to Kimberley, No. 26, April 21, 1871. Enclosure: Edward Morris to Hill, April 21, 1871.

⁴C.O. 194/181, Kimberley to Hill, No. 29, June 20, 1871.

had refused to act on the advice of the Legislative Council. Any action after that would almost certainly necessitate a re-calling of the Legislature and it was very unlikely that the Government would consider that course, especially after having been warned by the Imperial Government against following the Legislative Council's advice.

There really was nothing that the Government of Newfoundland could do. Caught between the British Government's warning and the American interest, Newfoundland's Government could only wait and hope that in 1872 there would not be an influx of American sealers into Newfoundland's waters. This did not prevent the Opposition newspapers from criticizing the Government. "The Government", said the Newfoundlander "look on supinely, as the case does not affect Tilt Cove mine [owned in part by C.F. Bennett] or quarter salaries. Indeed up to this time [March 24] they avow their unwillingness to interfere; and even if inclined to stand by the rights of the Colony, it is not thought they have capacity to mark out a course."¹ When the Executive Council referred the question to the Colonial Office, the Newfoundlander again castigated the Government. "These Monticello doings were those which the same Government has hitherto persisted in defending with the coolest audacity They have not only defended and encouraged them, but have contended that they were eminently beneficial to the interests of our people, and of course, were such operations as

¹Newfoundlander, March 24, 1871.

they would desire to see continued" In this case, as with that of the withdrawal of the troops, the Newfoundlander contended that Newfoundland would have been protected in such situations if it had entered the Confederation.¹

The Telegraph, as well, criticized the Government's policy concerning the "Monticello", and true to the Telegraph's character the criticism was sectarian. The "Monticello" was owned by "some Fenians in the States", the Telegraph reported. Therefore, Bennett would "not allow her to be interfered with", as he wanted "to make that influence as strong as he can in the country."² In spite of the absurdity of this charge, its influence against Bennett and his Party cannot be completely discounted. The Government, despite such criticism, kept to its policy of non-interference, and in 1872 the problem did not arise.

That the "Monticello" incident did not affect Newfoundland's politics to a greater extent may probably be explained by the fact that the seal hunt in 1871 was an outstanding success. The catch of cod, also, on the coasts of both Newfoundland and Labrador, was "more than usually abundant", and the Governor, in opening the 1872 session of the Legislature, observed that "each succeeding year" since his arrival in Newfoundland had "afforded satisfactory evidence of the gradual advancement of Newfoundland in the different branches of its staple industries, and in the improvement in the material and

¹Newfoundlander, April 21, 1871.

²Telegraph, April 5, 1871.

social conditions of the people consequent on this state of prosperity."¹ Nevertheless, the year 1871 was not such a financial success for the Government as 1870 had been. The Colony's revenue dropped from \$879,790.54 in 1870 to \$788,679.35 in 1871. In the same period, expenditure rose from \$709,652.77 to \$729,844.20 and the poor relief expenditure rose from \$90,712.60 to \$92,140.82. It appears that most Newfoundlanders were receiving little benefit from the success of the seal hunt and the fishery. In June, the Newfoundlander observed:

We should naturally expect ... an unusually large circulation of money throughout the various departments of business Instead ... we have heard all through the spring the frequent complaint from business people that money was seldom or never more scarce; that sales were slow, and the shop trade little better than depressed, even in those articles which one would expect to see in lively demand.²

This may be explained by the fact that two-thirds of the seal catch belonged to the ship-owners, and the one-third belonging to the crews was usually needed to buy supplies from the merchants, who in many cases were also the ship-owners. It was not only the Opposition newspapers that commented on the slow commercial activities. The Courier, a Government paper, admitted that there was some truth in the Newfoundlander's observations.³ It is, therefore, probably a mistake to emphasize the prosperity enjoyed during the Anti-Confederate

¹Journal Legislative Council of Newfoundland, January 25, 1872, p. 9.

²Newfoundlander, June 13, 1871.

³Courier, June 21, 1871.

Government's term of office. It is true that the fisheries were more than usually successful, but as the Newfoundlander noted, most of the profits of that industry went to the merchants. This means that there was comparatively little opportunity for the fishermen, themselves, to save much of their money. A period of prosperity probably served merely to create in them a false feeling of security. If they were again to experience a poor fishing season, they would be little better off than they had been before. At any rate, the period of prosperity did not silence the Confederates' criticisms of the Government.

The Newfoundlander described the 1871 session of the Legislature as "barren of all effort, all care, all thought for the progress of the country and the permanent elevation of the condition of the people." A common criticism of the Government was that its main policy was based on selfish motives. The Newfoundlander added in describing the 1871 session:

It was fruitful in rapacious exactions of money from the people's means; in lavish provision for every possible selfish and factious need of the Government; in treachery to public trust; in scenes of violence and personal abuse fraught with lasting disgrace to the governing party which sanctioned them; and fruitful too in instruction and warning to every member of the community capable of intelligent reflection upon the future of a country entrusted in such guidance and protection."¹

In addition to selfishness, the Government was accused of ineffectiveness and irresolution. The Public Ledger said

¹Newfoundlander, May 2, 1871.

that one of the most notable things in the 1871 session of the Legislature had been "the cowardly manner in which the Premier acted throughout." The Premier no sooner observed opposition to a particular measure within his own Party, the Public Ledger charged, than he declared a free vote and refused to consider it as a party measure.¹ This is true of the Education Bill and is significant since that Bill had been brought into the Assembly by Bennett, himself.

As might be expected, however, the Anti-Confederate newspapers praised Bennett's Government. The Courier said that the Anti-Confederate Government had done more "for the advancement and benefit of Newfoundland than any ministry that ever held the reins of power." The Government had paid off "a large amount of the floating debt." The annual taxation on food and clothing had been reduced by £20,000. The largest Road and Education Grants in Newfoundland's history had been made. Every District had been given £500 for local improvements; and the "Act for the Repression and Prevention of Abuses arising from the common Sale of Intoxicating Liquors" had been passed.² However, it was probably not the success of the Government Party so much as the disunity within the Confederate Party that stopped the Confederates from pursuing a more active programme. The split that developed in the Confederate Party grew out of the editorial policy of the St. John's Telegraph.

¹Public Ledger, May 5, 1871.

²Courier, July 17, 1871.

The Telegraph had, almost from the time of the 1869 election, pursued a policy of extreme criticism of the Government. While much of this criticism was sectarian in nature, the Telegraph was not limited to only one type of criticism. The court cases in which Bennett was involved provided an opportunity for the Confederate newspapers, including the Telegraph, of casting Premier Bennett in the role of a rogue. On June 7, 1871, the Telegraph, edited by John T. Burton, accused Bennett of perjury.¹ Bennett thereupon sued Burton for libel. The disunity within the Confederate Party developed because F.B.T. Carter was retained by Bennett to represent him. Despite the fact that Carter had acted as Bennett's lawyer on previous occasions, the Telegraph thought Carter intended "crushing out the Telegraph." So bitter did the Telegraph's resentment become that in an editorial on June 19, Carter was accused of being a traitor to the Confederate Party. The same editorial suggested that Carter would join the Anti-Confederates and become Attorney General in the place of J.I. Little. The extent of the rift between the two is shown by the Telegraph's pronouncement:

A secret enemy is worse than an open foe. We want no traitors in our camp. Away with him; and for one false man lost, there will arise ten true men better and abler than himself who will yet assist to hurl him from the position and emolument which he can only now obtain by bartering his principles and betraying his party.²

¹Telegraph, June 7, 1871.

²Telegraph, June 14, 1871.

If the dispute had involved only Carter and Burton, its seriousness might not have been so great, for at that time the Telegraph was being condemned on all sides for its immoderate articles. This was the natural course for the Anti-Confederate newspapers, but in June even the Public Ledger condemned the Telegraph:

Now it so happens that we considered that the intemperate articles of the Comet helped to defeat the Confederate cause at the last general election, as we consider the intemperate articles of the Telegraph are promoting its utter ruin for the time being¹

However, there are indications that several prominent Confederates were at that time writing for the Telegraph. The Courier suggested that at least William V. Whiteway and Alexander J. W. McNeily were contributing articles to Burton's paper.² If this were so, then it probably explains why the Confederates did not contest the by-elections held in 1871. In October two by-elections were held; one in Bonavista, and one in Trinity. Both went to the Anti-Confederates by acclamation. In connexion with these by-elections the Public Ledger suggested that Carter reorganize his Party³ - another evidence of disunity among the Confederates and in September the Public Ledger received from McNeily a letter for publication containing "references to Mr. Carter so offensive" that the

¹ Public Ledger, June 16, 1871.

² Courier, May 27, 1871.

³ Public Ledger, October 31, 1871.

editor refused to publish the letter until it had been modified.¹

Nevertheless, the Confederates were united in their interest in sectarianism. It seems as if any action the Government were to take would have been construed by some of the Confederates as having been designed to compromise the rights of Protestants. In the summer of 1871 a new road was being built near the Roman Catholic Cathedral. The new road was to be put further from the Cathedral than the old one had been and the Telegraph accused the Government of merely wishing to give more land to the Roman Catholic Church. In July, the Telegraph printed a typical editorial:

Out upon you Charles Fox Bennett! Out upon you wolf in sheep's clothing! Away with you to Rome and let us see you in your proper colours.

Protestants of Newfoundland, shall these things be? We appeal to you in no spirit of sectarian rancour. We desire to see Protestants and Roman Catholics go on harmoniously in our community, with equal relative rights, with equal protection from the Government, shoulder to shoulder working out the destinies of the country. But we tell you, Protestants, that you have been defrauded, that your rights have been trampled on by Jesuit Bennett and that they have not only been taken from Esau to whom they belonged, but they have been given to Jacob the supplanter.²

At about this time the Morning Chronicle added to the dispute. In reporting a riot precipitated by an Orangemen's demonstration in New York, an editorial said, "They [Orangemen] are simply fanatics, and deserves [sic] just as much and

¹Public Ledger, September 19, 1871.

²Telegraph, July 12, 1871.

no more respect than Fenians or French Communists. The world would be all the better if the three sets of madmen were out of it."¹ The editorial continued, "Orangemen and Confederates - Confederates and Orangemen - they are one and the same, with identically the same object in view."² As might have been expected this pronouncement by the Morning Chronicle brought an angry response from Orangemen. On July 21, the Public Ledger contained no less than four letters to the editor, all condemning the Morning Chronicle, and the Public Ledger copied the Morning Chronicle's article and observed, "the above article shows plainly and unmistakably the anti-Protestant leanings of Mr. Bennett, the Premier, and of his paper the Morning Chronicle."³ Even the Newfoundlander entered the dispute. The Newfoundlander blamed Bennett for beginning the controversy to serve his own purposes:

It would be convenient to have the public eye diverted for a while from some of those proceedings of himself and his associates which are telling their tale and doing their work with too palpable effect; and it would also be well to forge a new pretence against those expectations or demands on the part of Roman Catholics which he, pleasant enough to inflate to serve his own turn, but which whenever their turn comes round, are declared to be the chief trouble of his life.⁴

By the end of 1871, Confederation had been almost completely supplanted by sectarianism as the main issue in

¹Morning Chronicle, July 18, 1871.

²Morning Chronicle, July 18, 1871.

³Public Ledger, July 21, 1871.

⁴Newfoundlander, July 28, 1871.

Newfoundland's politics. The Confederates, themselves, stated that Confederation was no longer considered by them to be an issue. The Newfoundlander, probably the foremost Confederate newspaper, said in September, 1871, "It has already been declared, and it is now repeated, that this question [Confederation] is in abeyance and will not be again put to the electors until they demand it themselves."¹ The Public Ledger agreed that Confederation was "no longer a distinctive party question,"² and in November, the Governor, in reporting the election of the Anti-Confederates in Trinity and Bonavista, told Kimberley, "The question of Confederation is not now before the country."³

Nevertheless, the Anti-Confederate press kept up its condemnation of Confederation and refused to admit that it was no longer the main issue in the politics of the colony. This may have been because they sincerely believed that regardless of the issue on which the Opposition might come to power, it would actually force union with Canada. The Confederates, however, refused to accept this as the Government's motive and the Newfoundlander charged that the Anti-Confederates feared to go to the polls on the Government's record:

¹Newfoundlander, September 5, 1871.

²Public Ledger, September 8, 1871.

³C.O. 194/182, Hill to Kimberley, Confidential, November 23, 1871.

None know better than they that their short career has been a long catalogue of promises and pledges, not merely broken, in the ordinary sense of the word, but violently and shamelessly slevered into atoms in the teeth of those whose credulity gave them the power to plunder and laugh them to scorn. They not only know all this, but they know that the people know it too, and feel it with keen resentment which such outrages justly engender.¹

The events of 1871 appear, at least in the short run, to have indicated the continued strength of Bennett and his Party. The Anti-Confederates won the three by-elections in that year and one of these, that in Trinity, was actually a gain from the Confederates. Nevertheless, one thing was made clear - unless Newfoundland were again to suffer an economic depression, the election of 1873 would not centre around Confederation. The Confederates were determined not to press the issue and the Governor had resigned himself to the fact that union with Canada would not soon be effected. Sectarianism, in 1871, had been diffused through every important issue in local politics and was connected even with the main international problem in 1871 - the "Monticello" incident. So it was that although the Confederates lost two by-elections by default, it cannot be said that their position was weakened. The Anti-Confederates in the Assembly had been divided by the Education Bill and the Bill to control the sale of intoxicating liquors while outside the Assembly the Confederate newspapers had carried on a vigorous sectarian campaign. This campaign was less successful than it might have been, probably because

¹Newfoundlander, September 5, 1871.

at first, the Anti-Confederates contented themselves with merely denying Confederate charges. Towards the end of 1871, the Anti-Confederate press became more aggressive by attacking the Orange Society. If they were to continue this policy it was probable that they would antagonize not only the Orangemen but other Protestants as well. This, if it were to be carried far enough, could lead to the defeat of the Anti-Confederates at the next election.

CHAPTER IV
THE END OF BENNETT'S GOVERNMENT

On February 14, 1872, C.F. Bennett's Ministry began its third year in office. During the two years following the election of 1869, sectarianism had grown from insignificance in the election campaign to become what was probably the major threat to the Government's existence. Bennett's Party had come to be associated with the Roman Catholic segment of the population, which was mainly concentrated in five Districts of the colony. Should sectarianism become the determining issue in Newfoundland's politics, therefore, the Roman Catholic Party would find itself permanently in the Opposition. Obviously it was in the interests of Bennett's Party to avoid sectarian struggle or if this were impossible, to gain the support of some Protestant segment while retaining the support of the Roman Catholics.

Political conditions in 1872 provided for Bennett's Party a brief but incomplete respite in the storm of sectarianism. Sectarianism did not disappear completely in 1872; it came into the open in connexion with only minor actions of the Government. In 1872, as in the previous year, most sectarian criticism emanated from the Confederate Telegraph. This criticism, in general, took the form of accusations that the Government favoured Roman Catholics to the detriment of Protestants. For example, in March, the Telegraph reported that an Anglican Clergyman named Botwood had asked that the Government assist a Protestant family which

was facing "absolute starvation." The Government refused. "If the Religion of the parties had been changed", the Telegraph charged, "if Mr. Botwood had been a Roman Catholic Priest, and this unfortunate woman had been anything but a Protestant, instant relief would have been afforded to her and her suffering children."¹ Notwithstanding occasional accusations such as this, the pages of the Telegraph in 1872 were relatively free from sectarian articles.

The decrease in sectarianism may have resulted in part from a division among Protestants. That Bennett had tried to divide the Anglicans from the Wesleyans, was indicated by his handling of the Education Bill.² On one occasion when the Telegraph voiced sectarian views in 1872, it accused Bennett of compromising the rights of Wesleyans to the benefit of Anglicans. While admitting that Bennett usually acted to the detriment of Protestants in general, The Telegraph said, "More especially is his venom directed against everything Wesleyan." The Telegraph then reported two instances, one in Trinity South and one in Brigus, in which "an Episcopalian majority" was given to an Education Board "that should be Wesleyan" because of Wesleyan majorities in the communities.³ The fact that the editor of the Telegraph was a Wesleyan

¹Telegraph, March 6, 1873.

²See above, pp. 99 - 102.

³Telegraph, March 27, 1872.

turned Anglican gives credibility to this accusation. If the Telegraph's report were correct, it suggested a danger for the Confederate Party, which, in a sectarian campaign, needed the support of both Anglicans and Wesleyans.

In the autumn of 1872, however, a more serious sectarian dispute arose concerning the influence on the Government of a Roman Catholic Priest named Lynch. Apparently Father Lynch had interfered in the appointment of a clerk in the Customs Department and the Government was severely criticized for allowing such interference.¹ This event, although not an immediate danger to the Government, did keep sectarianism alive in a year that was relatively free from sectarian strife.

One reason for the lack of partizan controversy in 1872 may have been that each party was busily mending divisions that had developed within it. The rift between Carter and the Confederate Telegraph continued. Regarding the accusation by that newspaper that Carter had sought his own personal gain in defending Bennett in the case Bennett vs. the Telegraph, Carter said:

He believed that he had lost more by taking up the case of the hon. Premier than he could even have possibly expected to gain by it As for the statement that

¹Public Ledger, September 20, 1872.

the Telegraph ... represented the views of the Party with which he was associated, he would merely say that it did not represent the Party he belonged to nor did it represent him.¹

This was a good opportunity for the Government Party to try further to divide the Opposition. Unfortunately for the Government, its own Party was divided as well.

Early in 1872, a split, the cause of which is not clear, developed between the two leading Government newspapers, the Morning Chronicle and the Courier. The first indication of a difference of opinion came when the Courier quoted John Rorke, Confederate member of the House of Assembly for Carbonear, as having said, "All is harmony on the Carbonear Grammar School Board."² The Courier described Rorke as an "unrelenting, unscrupulous, narrow-minded, and bigoted Confederate"; the Morning Chronicle defended him.³ The dispute, having begun, continued. The Morning Chronicle printed a story of a massacre in South America. The Courier condemned the printing of such a story, and made the pronouncement, "We deem it a disgrace to our community to patronize a journal which is conducted by such a man as Mr. Winton."⁴ When the other Government newspaper, the Patriot,

¹ Courier, February 6, 1872, Proceedings House of Assembly, February 1, 1872.

² Courier, April 4, 1872.

³ Courier, April 6, 1872.

⁴ Courier, April 13, 1872.

edited by Robert John Parsons, defended the Morning Chronicle, the Courier told Parsons "to mind his own affairs, and give attention to his legislative duties." The Courier continued with a condemnation of Parsons:

A man with the brilliant talents and parliamentary eloquence of Mr. Parsons, instead of being a medicant beggar for printing jobs from the Government, should now have a leading place in the Executive, and be one of the leaders of public opinion in this Colony. Had Mr. Parsons been a faithful representative he might now have held an exalted place in the affections of the people and in the Government of the Colony.¹

The dispute among the Anti-Confederate newspapers ended only when Robert Reader was removed as editor of the Courier. Although it is quite possible that the dispute between Reader and Winton continued, Reader's position was not one of sufficient importance, after leaving the Courier, to make the dispute a serious threat to the Anti-Confederate Party.

The Confederate Party was in a more anomalous situation. The dispute among the Confederates directly involved their leader, and the editor of the Telegraph, far from being removed from his post, was apparently encouraged and helped by members of the same Party. Unlike the Courier, which was owned by John Woods and merely edited by Reader, the Telegraph was edited and owned by J.T. Burton. The members of the Confederate Party were apparently so concerned about the dispute among themselves that their criticisms of

¹Courier, April 16, 1872.

the Government were relatively infrequent and moderate. Indeed the Confederate Party, as such, received its death-blow in 1872.

One of the main attractions that Confederation held for Newfoundland was the ending of isolation. The Government of Newfoundland, in 1872, went a long way towards ending this isolation. In 1867, when the Confederates had held up the possibility after union of a direct steam communication with Canada and the United Kingdom, C.F. Bennett had thought the fortnightly service to Halifax and the twice a year service to the United Kingdom to be enough.¹ Nevertheless, when the contract with Inman and Company for carrying mail from Halifax to St. John's expired, Bennett's Government sought to obtain a more frequent service. The contract signed with the Quebec and Gulf Ports Steamship Company on January 31, 1872 provided for carrying mail between Halifax and St. John's once each way every four weeks in January, February and March and once each way every two weeks from April to December; and between Pictou and St. John's once each way every two weeks from May to November - a total of twenty-three round trips each year.² In addition, a contract was entered into with the Allan Line to call at

¹Morning Chronicle, October 15, 1867, Bennett to editor, n.d.

²Journal Legislative Council of Newfoundland, 1872, App. pp. 249-262.

St. John's once a month to and from Liverpool for nine months of the year.¹ The Opposition Party, therefore, had to look for another issue - one that would unite the Party and threaten the Government's popularity as well. Such an issue was sectarianism, and this, if it were to be taken up would probably prove to be fatal for the Government since it was already identified with the Roman Catholic minority.

One of the major problems for the Government of Newfoundland in 1873 was that involved in ratification of the Washington Treaty. The acceptance of the Washington Treaty, however, was not a party issue in Newfoundland. The Government's actions in this connexion served the Opposition only as a further example of the Government's ineffectiveness. This treaty, which had resulted from the submission to arbitration of the "Alabama claims", had defined the extent of American fishing rights in British North American waters and had been signed by Great Britain and the United States in 1871. That Newfoundland, unlike Canada, had not been directly represented at the negotiations may in part explain why Newfoundland showed very little interest in the negotiations until the treaty had been agreed to, even though certain sections of the treaty dealt specifically with the fisheries in Newfoundland's waters. The question of international

¹Letterbooks of Despatches to the C.O. 1869-73, Hill to Kimberley, No. 74, November 30, 1872.

fishery disputes was pointedly brought to the attention of the Newfoundland Government, but even at this the Government exhibited little interest.

In 1871, Kimberley wrote to the North American colonies asking for information regarding "the practice which prevailed between the date of the Convention of 1818 and the ratification of the Reciprocity Treaty of 1854 with respect to the admission of United States' vessels to the ports of the British Possessions in North America for the purpose of trading - transshipping fish et cetera."¹ In spite of reports of encroachments by American vessels on the south coast of Newfoundland (although these were of a "most trivial nature")² and the distress among Newfoundlanders caused by the visits of the American sealer "Monticello",³ little, if any, attention was paid in Newfoundland to the negotiations which culminated in the Treaty. Indeed, only passing reference was made to the Treaty's final draft.

Since Newfoundland had not been included in the treaty negotiations - although provision had been made for her

¹ C.O. 194/181, Kimberley to Hill, Confidential February, 1871.

² C.O. 194/181, Hill to Kimberley, No. 49, June 23, 1871.

³ See above, pp. 102 - 108.

entry into the Treaty's rights later - such comments as were made in the St. John's newspapers were speculative. The Public Ledger thought the chief advantage to be derived from the treaty by Britain would be the removal of ill-feeling between that country and the United States and declared that "if Newfoundland should at any time be included, any benefit to be derived from it would cost her nothing", for under the Reciprocity Treaty of 1854 no American ship had bothered to fish in Newfoundland waters.¹ The Morning Chronicle said that the Treaty served to "dissipate some of the strongest arguments used by the Confederate leaders in their advocacy of the measure of Confederation."² Nevertheless, the Executive Council was wary of accepting a fishery treaty which did not include the seal hunt in its provisions and soon sounded out the Imperial Government as to the possibility of exchanging the right of hunting for seals in Newfoundland's waters for the admission "of the produce of the seals of this Colony into United States' ports duty free." In making this suggestion, however, the Newfoundland Government made it clear that it had resolved to admit citizens of the United States to the provisional use of the privileges granted to

¹Public Ledger, May 30, 1871.

²Morning Chronicle, June 17, 1871.

³Minutes Executive Council, July 14, 1871, p. 149.

them by the Treaty during the 1871 fishing season.

The proposal of the Newfoundland Government concerning the seal hunt, however, was one which, as Kimberley said, needed the approval of Congress and therefore was not immediately enforceable.¹ Another impediment to adoption of the Treaty by Newfoundland was that the Legislature had been adjourned on April 24, and since the Treaty had not been signed until May 8, an extra session of the Legislature would have been necessary for ratification. Consequently, nothing could be done until the 1872 session of the Legislature.

In addition to these secondary hinderences to ratification, there was general among the British colonies an opposition to the Treaty. While John A. Macdonald, the Canadian representative, was engaged in the negotiations the members of his Cabinet in Ottawa telegraphed to him: sp.

Neither the government nor the people of Canada will ever consent to concede fishing privileges for even ten years for money consideration, as such sale even though period limited would be regarded by the Canadian people as equal to parting with a portion of the territory of the Dominion.²

Nevertheless, Great Britain prevailed upon the Canadian delegation and the commission was authorized "to negotiate on the basis of free fish and arbitration for an additional

¹ Journal House of Assembly of Newfoundland, Kimberley to Hill, No. 46, October 24, 1871, p. 937.

² Harold A. Innis, The Cod Fisheries (rev. ed.; Toronto: University of Toronto Press, 1954), quote, p. 368.

sum." The "additional sum" refers to a suggestion that the United States give Canada a sum of money in part payment for the privilege of fishing in Canadian waters. Macdonald thought of resigning but having reconsidered he submitted to the phalanx of power - the British and the American Governments - posed against him, and he saw the treaty ratified and go into effect on July 1, 1873.¹

It is probable that the Newfoundland Government was awaiting the ratification of the Treaty by Canada. This process took two years, for Macdonald, although he had, at the negotiations, opposed the Treaty to the extent of threatening resignation on April 21, 1871, was assailed "for giving them [the Canadian fisheries] away for nothing."² However, if the Government of Newfoundland anticipated any benefits accruing to that colony as a result of Canada's efforts, its trust was decidedly misplaced. Macdonald, during the negotiations, had expressed the hope of limiting to Canada any possible satisfactory treaty "so that if Prince Edward Island and Newfoundland desire the advantages of the treaty they must come into Confederation."³

At the beginning of 1873, the Government of

¹Innis, p. 369.

²A. Nevins, Hamilton Fish (rev. ed.; New York: Frederick Ungar Publishing Co., 1957), II, 478-479.

³Quoted in Innis, p. 369, f. 116.

Newfoundland, having been convinced that there was little hope of having seal produce admitted into the United States duty free, suggested through the Governor's Speech From The Throne that "early legislation ... upon this question", was planned. On February 21, a bill to give effect to the Treaty of Washington was introduced into the House of Assembly.

By this time the mercantile community of the Colony was greatly disturbed lest the Treaty be ratified before an agreement concerning the importing by the United States of seal produce could be reached. In a letter to the Governor in Council, in February, 1873, the St. John's Chamber of Commerce suggested that there was nothing of greater importance "than that the question of the free admission of seal oil should be definitely settled in our favor before legislation on these clauses is concluded" The Chamber of Commerce was of the opinion that "the strongest representations should be made on this subject in the most effective manner [a delegation to Washington] and before it is too late and that no possible means should be left untried to obtain the desired result."¹ Nevertheless, being faced with the possible loss of the Treaty's benefits if Newfoundland were to press her case too strongly the Chamber of Commerce resolved on March 16

¹Incoming Correspondence of the Colonial Secretary's Office: Reports and Petitions, 1873-4, A.M. Harvey to Governor Hill, February 25, 1873.

to urge the House of Assembly to pass the necessary legislation to give effect to the Treaty in the 1873 session of the Legislature. In doing so, however, the Chamber suggested that Americans be prevented from taking seals within Newfoundland's territorial limits and from fitting out or manufacturing in any of the colony's ports and that these restrictions be lifted only on the concession of admitting the produce of the seal industry into the American market free of duty.¹

The bill to give effect to the Treaty came up for second reading in the Assembly on March 26. Debate saw the Opposition Party split into two sections. Those supporting the bill, including, as well as the members for the Districts of Carbonear and Bay de Verds, one each of the members for the Districts of Harbor Grace and Trinity, totaled four. F. B.T. Carter and Edward Evans, the members for Burin, and the other Opposition members for Harbor Grace and Trinity, four altogether, opposed the bill. Carter, himself, moved an amendment which would have postponed a decision until after the next election, but the amendment was defeated by a vote of twenty to four. The bill therefore passed second reading and required only to pass third reading and, provided it also passed the Legislative Council, the Queen's approval to become

¹Records of the St. John's Chamber of Commerce: Minute Book, 1865-75, March 1873.

law. On June 26, the Queen's assent was obtained and it was planned to have the treaty come into effect about the beginning of July.¹

At this point, however, a problem arose. Hamilton Fish, the United States Secretary of State, having been provided with a copy of the Newfoundland Legislature's Act, wrote to Sir Edward Thornton, the British Ambassador to the United States, that because the Newfoundland Act reserved "a right to restrict the American right of fishing within certain periods of the year", he concluded the Act was not "such consent to the application of the stipulations and provisions of Articles 18 to 25 of the Treaty as is contemplated by the Act of Congress"² Upon hearing of this reaction, the St. John's Chamber of Commerce immediately urged the Government not to allow the restrictive clause "to prevent our participating in the benefits of the Treaty ...", and suggested that the "objectionable clause" be made void.³ However, Governor Hill did not immediately acquiesce; indeed, he could not for an extra meeting of the Legislature would be required for that. Instead, Hill explained to Thornton

¹Journal House of Assembly of Newfoundland, 1873, App. 1021, R.G.W. Herbert, Undersect. of State to Officer Administering Govt. of Nfld., No. 31, June 27, 1873.

²Misc. Papers and Despatches, 1873-4, Fish to Thornton, June 25, 1873, enclosed in Thornton to Hill, July 7, 1873.

³Misc. Papers and Despatches, 1873-74, A.M. Harvey to Hill, July 4, 1873.

and Thornton in turn explained to Fish that the proviso to which the American Government was objecting related to "enactments as to time and mode of taking Herring and Salmon shown by experience to be necessary for the preservation of those fisheries and consequently for the common interest of all engaged in them." Thornton also promised Fish that Governor Hill, would, in his Proclamation, confirm this position in such a way "as to remove any possible objection to the terms of the Act."¹ Fish's answer was that the United States Government would settle for nothing less than complete abnegation of the objectionable section of the Act. The American Government, probably anticipating opposition in Congress, took the position that while no objection would be made to the enforcement of such regulations as existed for the protection of the fisheries, it could not accept an act containing restrictions of which no mention had been made in the Treaty.² The American Government was also apprehensive as to the result should court action arise concerning an interpretation of the Act. The wording of the Newfoundland Act was such as to make it doubtful whether the laws of Newfoundland which would prevent the articles of the Treaty from coming into force had been suspended. According to Fish, the possibility still

¹Misc. Papers and Despatches, 1873-74, Thornton to Fish, July 7, 1873.

²Journal House of Assembly of Newfoundland, Thornton to Hill, July 10, 1873, App. p. 1026.

existed of American fishermen being arrested for fishing in the previously close waters of Newfoundland.¹

The British Government, having tried without success to reach a satisfactory understanding with the Government of the United States, advised Sir Edward Thornton that if the United States were to persist in objecting to the Newfoundland Fisheries Act, the question would have to await the meeting of the Newfoundland Legislature.² In the meantime, the Newfoundland Government was not formally informed of the Queen's assent to the Treaty of Washington Act.³

The negotiations for acceptance of the Treaty of Washington by Newfoundland had a disturbing effect in that colony. There were probably few people in Newfoundland who were completely satisfied with the Treaty. Some, such as the Chamber of Commerce, protested the omission of any consideration of the seal industry, but did not admit the desirability of having the existing Treaty lost because of this. The Confederate Public Ledger believed that "acceptance of the Treaty was the best thing in the circumstances", but

¹Journal House of Assembly of Newfoundland, 1874, Thornton to Hill, August 19, 1873, App. pp. 1029-30.

²Journal House of Assembly of Newfoundland, 1874, Hammond to Under-Secretary of State, C.O., August 14, 1873, App. p. 1032.

³Journal House of Assembly of Newfoundland, Kimberley to Hill, No. 48, August 26, 1873, App. p. 1035.

did not admit that this exonerated the Government of Newfoundland from "the charge of criminal carelessness in regard to this grave matter throughout and of duplicity in their action on it at the last." The Public Ledger thought that as soon as the terms of the Treaty had become known a delegate should have been sent to London to "remonstrate with the Imperial Government on that part of the Treaty which so materially affects this country and get it altered."¹ The Confederate Telegraph condemned both the Government and the Treaty: "We give away the finest fisheries in the world, for what! for fisheries, which if ever they were worthy our notice, are thoroughly exhausted, and in point of value to us, not worth a roe of a fish."² The Telegraph, imitating the Anti-Confederates, who described Confederation as the sale of Newfoundland, now accused the Anti-Confederates, themselves, of "selling the country to the Americans."³

The Government Party, as well as the Opposition Party, was apparently divided on the Treaty issue. The Public Ledger reported that one Anti-Confederate had determined to absent himself from the voting in the Assembly "in order that he might be able to tell his constituency that he was not present when the country was sold to the Yankees."⁴

¹ Public Ledger, April 4, 1873.

² Telegraph, March 12, 1873.

³ Telegraph, March 26, 1873.

⁴ Public Ledger, April 4, 1873.

The Newfoundlander, also, reported dissention within the Government Party. After first reading of the bill, according to the Newfoundlander, "a large section of them were ripe for mutiny Party meeting followed party meeting with onimous [sic] haste, and still the 'recalcitrants' were bumptions and would not sell the country!"¹ Nevertheless, unity was restored within the Government Party at least to the extent that in the voting all those present supported the bill.² If the Public Ledger's report were correct, however, there must have been considerable opposition to the Treaty in some sections of the colony, and since some members were absent from the Assembly at the voting, it is not certain that disunity did not exist even among the members of the Government Party in the Assembly. The Opposition did not maintain a semblance of unity even within the House of Assembly, but the Government, not the Opposition, would bear the brunt of criticism of what, at best, could be considered as only tolerable. Should public opposition to the Treaty develop, disunity among the Opposition Party members in the Assembly would probably count for little.

Ratification of the Washington Treaty might have provided an issue that would have diverted attention away from sectarianism. But, since both political parties were

¹ Newfoundlander, April 1, 1873.

² Journal House of Assembly of Newfoundland, March 26, 1873, p. 95.

divided on the question, ratification did not become a party issue. Indeed, the Government Party, having been prevented from strengthening its position by availing itself of the situation, may actually have lost support by the ineffective actions finally taken. Thus, there was now even more reason for the Government Party to put to silence the cries of sectarianism which had arisen. No such issue as was likely to supersede sectarianism was accessible to the Government, however, and any disunity displayed during the debate on the Washington Treaty was merely an added indication that the Government Party was experiencing internal disorder.

Division was characteristic of Newfoundland's political parties in 1873. That year had begun with a slight discord in the Government Party. In December, 1872, the Public Ledger had accused the Roman Catholics of being opposed to the Permissive Act,¹ and singled out Father O'Connor of Carbonear as having caused the defeat there of an attempt to take advantage of the Act.² The Morning Chronicle, the leading Government newspaper in the colony, copied the article and thereby brought upon itself the disapproval of the Premier. "I am very much astonished", wrote Bennett, "that you should have copied in the Morning Chronicle, viewed by many as the

¹See above, pp. 95 - 96.

²Public Ledger, December 27, 1872.

Organ of the Government what must be deemed by every class in this community an untrue and most offensive article to the Roman Catholic population of this Colony."¹ It is probable that this incident was merely a symptom of a larger and more significant division within the Government Party. The Telegraph, at the same time, reported that Bennett was "at loggerheads with his party",² and a dispute erupted between the Morning Chronicle and the Courier concerning negotiations with the Allan Steamship Company for service between Newfoundland, Great Britain, Halifax, and the United States.

The Morning Chronicle had denied the rumors prevalent in the St. John's press that the Government had accepted the Allan Line's contract. This denial brought the disapproval of the Courier whose editor launched a personal attack on Francis Winton, editor of the Morning Chronicle:

The Editor of the Chronicle ought not to be such "a very stupid writer" and we may add, thinker, as not to understand; that the large support, his paper receives from the Government, is not for the purpose of giving expression to his views whatever they may be, in opposition to those of the Government, which he is bound "per fas et nefas" [through right and wrong] to support, and to be their mouthpiece, in all matters of public interest so long as his paper continues to be the organ of the Government.³

The Morning Chronicle returned by calling the editor of the Courier an ass.⁴ The Courier thereupon retorted that the

¹Morning Chronicle, January 8, 1873, Bennett to editor, January 2, 1873.

²Telegraph, January 8, 1873.

³Courier, January 18, 1873.

⁴Morning Chronicle, January 30, 1873.

Morning Chronicle appeared to be "laboring under a severe attack of Editorial Paralysis, combined with rabies, and misanthropy, and as such is more an object of commiseration, than of resentment Quos Deus vult perdere, prius dementat. [Those whom God wishes to destroy He first makes mad.]"¹ It seems that these were merely overtones of a much deeper conflict going on within the Government Party and it is difficult to discover where exactly the line of division was drawn. The Telegraph gives a hint. It accused Bennett of opposing the new contract for steam communication, and continued, "His party found out that they could do just as well without him, and so they unceremoniously pitched him overboard."² On February 12, there was another report of disunity within the Government Party. This time the Telegraph said that Winton, editor of the Morning Chronicle, was at odds with Major Henry Renouf.³ It seems from this that there was either a severe rift in the Party mere symptoms of which were allowed to reach the newspapers or continual bickering the lines of division of which were not sharply drawn. Division within the Government, no matter of how fleeting a nature, could make for a decided disadvantage in the coming

¹Courier, February 1, 1873.

²Telegraph, February 1, 1873.

³Telegraph, February 12, 1873.

election.

The Government Party in 1873 was beset by so many problems that it would be a matter of surprise if dissention had not arisen within the Party. There was the unfortunate state of steam communications which the Governor's speech had described as having given "great dissatisfaction."¹ The Board of Works was suspected of corrupt practices. Early in February, the Newfoundlander observed:

All the tongues that rumour owns she has kept wagging on the irregularities and misdeeds of the Board, and much has come out from time to time to sustain the prevalent belief in these statements. Complaints were not confined to outsiders or opponents - some of the Board members themselves have been unsparing in their censure of the on-goings which they have been apparently unable to check.²

The Public Ledger corroborated this statement. "It is useless", the editor wrote, "to ignore the feeling in the community about the Board of Works - a feeling shared in by many of the adherents of the Government, and even by some who we daresay, voted against the motion in question."³ The motion in question was one made by John Warren, member of the Opposition for Trinity Bay, that a committee of audit be appointed to examine the accounts of the Board of Works. The motion was lost on

¹ Journal House of Assembly of Newfoundland, February 6, 1873, p. 10.

² Newfoundlander, February 14, 1873.

³ Public Ledger, February 15, 1873.

a party line vote of seventeen to seven,¹ but the Government's opposition to such a move provided the Opposition Party with another weapon to use in the forthcoming election campaign.

There was further evidence of Bennett's weakened position in the telegraph monopoly issue. In 1854, the New York, Newfoundland, London Telegraph Company had been given exclusive right to land telegraphic cables on Newfoundland's coasts in return for grants of land. After the Company had made various applications for grants of land under its charter, the Legislature of Newfoundland set up a committee to review the company's record to determine whether it conformed to the terms of the charter. The Committee, made up of members of both the Legislative Council and the House of Assembly, met for the first time on March 18, 1873 and it was found that the articles of the charter had not been strictly complied with. A.M. Mackay, the local agent of the company, defended his company's past record, maintaining that any deviation from the agreement had been made with the sanction of the Government of Newfoundland. In only one case had the company's actions been contrary to its charter. According to the agreement, the company was to build and maintain a telegraph line to the southern shore of the island. The company had

¹Journal House of Assembly of Newfoundland,
February 10, 1873, p. 15.

built the line but in 1865 it was removed.¹

Premier Bennett, who was a member of the committee, seemed to be interested not so much in the past record of the company as in the grants of land that were to be made to the company.

It was a question with him whether under the Company's Charter the mines went with their grants of land, and whether the Company would be prevented from availing of the Geological Survey, the explorations of which they might now take advantage at the cost of the Colony.²

The committee, having asked for the opinions of its law members, was informed that the company would be entitled to all mines and minerals in the lands granted to it.³ Premier Bennett then moved that "the Company had failed to perform the requirements of its Charter." F.B.T. Carter moved an amendment that the Company had fulfilled the requirements of its charter except the maintenance of a telegraph line to Trepassey or Cape Race. Bennett again drew attention to the great value of the grants to be made to the company, but the amendment passed, only Bennett and Thomas Talbot voting against it. Three Government Party members voted against their leader, and the Attorney General abstained.⁴

¹Journal Legislative Council of Newfoundland, 1873, App. No. 5, p. 45.

²Journal Legislative Council of Newfoundland, 1873, App. No. 5, p. 45.

³Journal Legislative Council of Newfoundland, 1873, App. No. 5, pp. 59-67.

⁴Journal Legislative Council of Newfoundland, 1873, App. No. 5, pp. 48-49.

At the end of the meetings, the committee adopted a resolution which stated:

That the Company being entitled to their grants according to the terms of their charter ... should receive the same as far as percentage, royalties, working and expenditure on mines, are concerned, upon the same terms as other Grantees, and Company being in other respects bound to fulfill the terms of the Charter imposed thereby upon them¹

While the committee was still in session, however, the situation was complicated by a telegram sent to Governor Hill by Henry Labouchere, director of the Direct United States Cable Company. Labouchere indicated that his company was interested in landing cables on the coasts of Newfoundland and enquired of the Governor whether the Government of Newfoundland intended to exercise the right of pre-emption contained in the charter of the New York, Newfoundland, London Telegraph Company, which was to mature in 1874.² Although A.M. Mackay had requested the Government to surrender this right,³ the Government replied that it had no intention of doing so and that no such Bill would be introduced into the Legislature during that session.⁴ The Government con-

¹Journal Legislative Council of Newfoundland, 1873, App. No. 5, p. 54.

²Minutes Executive Council, April 12, 1873, p. 293.

³Journal Legislative Council of Newfoundland, 1873, App. No. 5, p. 45.

⁴C.O. 194/185, Hill to Kimberley, No. 35, May 7, 1873. (enclosure)

sidered the surrender of the right of pre-emption, however. This was shown by the proposition made to the New York Company. The Government of Newfoundland made the proposal that in return for giving up its right of pre-emption the company should surrender its exclusive right of landing cables on Newfoundland's coasts.¹ This proposal clearly shows that Bennett's main consideration - that of grants of land to the company - had been passed over by the Executive Council in favour of improved telegraphic communication and to this extent shows Bennett's weakened position in the Council.

The policy finally adopted by the Executive Council met with general approval, not only from the Government newspapers, but also from those of the Opposition Party. The Morning Chronicle thought that it would be "exceedingly unjust to the interests of the colony" to permit the continuation of the company's contract.² The Public Ledger thought that it "was fortunate for Newfoundland" that the pre-emption clause had been inserted and observed that the Government's policy was to be expected since "monopolies have no defenders nowadays, excepting individuals who happen to be personally interested in some particular one",³ a reference to Bennett,

¹C.O. 194/185, J.L. Noonan to C. Field, May 26, 1873, enclosed in Hill to Oliphant, May 30, 1873.

²Morning Chronicle, May 26, 1873.

³Public Ledger, July 11, 1873.

who had been accused by the Opposition Party of holding a monopoly in mining interests in Newfoundland.

The telegraph monopoly, like the ratification of the Washington Treaty was not a party issue. Opposition to the monopoly was so widespread that the Opposition Party dared not to support the telegraph company vigorously. Another opportunity of shifting the emphasis from sectarianism was lost to the Government. It would be very difficult now, with the election less than a year away, to compensate for such a loss.

Above all, 1873 was an election year. The campaign was long and bitter and was all the more unnerving because it ended almost in deadlock. The term of office just ending for the Anti-Confederates had begun on the crest of a wave of prosperity. The fisheries were successful, revenue was larger than ever before, and the Government had an overwhelming majority in the House of Assembly. By 1873, however, there were indications that the period of prosperity would not continue long. In 1873, for the first time since Bennett had come to power, the expenditure exceeded the revenue - by \$145,548.47. In the same year poor relief expenditure, for the first time since 1868, exceeded \$100,000. It was almost \$10,000 more than the expenditure for the same purpose in the previous year and almost \$20,000 more than it had been in 1870, Bennett's first year of office.¹ The year 1873 was

¹Blue Books, 1868, 70, 73.

begun on an ominous note. In the Speech from the Throne, the Governor said:

I approach with regret the review of the fisheries of the past year, which when compared with those of 1871, do not exhibit favourable results. The Cod Fishery was extremely partial both on this, and on the Labrador coasts, while the seal fishery was considerably below the average.¹

In the light of this, some of the newspapers examined the past four years of Anti-Confederate government to take stock of the benefits derived from what was probably the most prosperous period in the colony's history up to that time. The Opposition newspapers accused the Government of doing little, and the Public Ledger made some suggestions:

Let them open main roads in the Western part of the Island, and take measures to have that locality filled with an industrious working population; or let them form a scheme for a railway across the country; let them even send some one of their friends to make himself acquainted with the educational systems of Nova Scotia, New Brunswick, Canada and the United States, and on the basis of his intelligence draw up a good system for this country; let them do something of this sort and they would hear less of union with Canada.

Although Confederation was no longer the main issue in Newfoundland's politics, among most of the Confederates in 1869 there was still a feeling of dissatisfaction with the progress of the colony and the Confederate newspapers again

p. 10. ¹Journal House of Assembly of Newfoundland, 1873,

²Public Ledger, March 25, 1873.

and again were being drawn back to the advantages of union with Canada.

It was probably to be expected that the question of Confederation should be raised in the election campaign of 1873. Anti-Confederation had been such a successful slogan in 1869 that the Government Party, faced with declining popularity, which they must have recognized, raised again the old cries that had brought them to power.

That circumstances were no longer the same can be seen by the Telegraph's editorial of March 26:

We need reduced taxation and more economic expenditure. We require fairer representation and equal rights among the people. We want less selfishness and an infusion of something like public spirit. By the Treaty of Washington the Government purposes selling the country to the Americans. They will barter away our principal resources and dearest privileges without obtaining anything in return at all commensurate with the gift of what we hold most dear. This is what the Incapables wish to cover when they throw dust in peoples' eyes and cry out Confederation.¹

The Anti-Confederates were being criticized for the same offences that they, in 1869, had attributed to the Confederates. The Confederates, however, now in Opposition, were just as extreme in their criticisms as the Anti-Confederates had been before they came to power. The Newfoundlander especially accused the Government of maladministration:

The Government have sometimes been at the trouble of throwing a thin veil over acts of dishonesty; but even this they have lately torn to tatters and now absolutely riot in the nakedness of public fraud. The other day we

¹Telegraph, March 26, 1873.

had the exhibition of their expenditure in the name of "flood money"; followed by the "legalized robbery" of \$26,000 for nameless purposes in the present Supply Bill. And while these flagitious proceedings are yet fresh in the public eye; while taxation is kept up at highest pressure, and the treasury filled to overflowing, comes forth the daring demand for more taxes still, in the fancy name of a loan! [to build a new hospital.]¹

The Public Ledger, in surveying the record of the Government said, "In short they have acted steadily in the principle of attending to their own interests, and leaving the interests of the Colony to take care of themselves."²

In the face of these accusations and as a counter-offensive against the sectarian antagonism that had arisen, the Government Party, to begin with, relied almost entirely upon the Confederation issue. Early in June, the Morning Chronicle published a telegram from Ottawa, reporting the rumor that John A. Macdonald would probably be appointed Governor General of Canada and receive a peerage if he succeeded in bringing Newfoundland and Prince Edward Island into Confederation. The telegram reported that negotiations were then "attempted to be reopened" with Newfoundland.³

The Newfoundlander defended the Opposition Party. One editorial read:

If one were to judge of the coming Election contest from some references in the Government papers, it could

¹ Newfoundlander, May 5, 1873.

² Public Ledger, May 16, 1873.

³ Morning Chronicle, June 7, 1873.

be supposed that the country was about to be again agitated upon the question of Confederation which was negatived by the verdict of 1869 Men who know well that their record is devoid of all that could give legitimate claim or title to public favour, must, we suppose, resort to any false issue from which they may hope to excite the fears of the people and thus divert attention from those many misdeeds and abuses in which our present rulers had their just condemnation None know better than they that the question of Confederation is no more before this country at present than is that of the Confederation of the West India Islands or the Income tax of England.¹

The editorial ended with the assertion that the question of Confederation rested "wholly and solely" in the hands of the people. The Confederate Telegraph said that the real question was "Protestant Members for Protestant Districts ... fair representation for Protestants ... A reduction of the present enormous taxation and the overthrow of the present corrupt administration."² The Government newspapers, however, continued to accuse the Opposition of wanting, more than anything else, union with Canada but the Government Party rarely accused Carter of this. Rather, they accused his Party of pressing him to effect the scheme. Actually, they praised Carter for standing in the way of Confederation in 1868. His Party, said the Morning Chronicle, "badgered Mr. Carter, their leader, in the endeavour to get him to join them in their wicked attempts [to effect union without recourse to an election] and had he

¹Newfoundlander, September 9, 1873.

²Telegraph, September 10, 1873.

said yes the thing would have been done."¹ So often had this assertion been made that Carter attempted to dispel any fears the electorate might have had that the Party would prevail upon him should they win the election that he publically denied the Morning Chronicle's statement.²

It is significant that the Government Party should not have included Carter in most of their attacks. It may have been a symptom of the disunity within the Party itself, disillusionment with Bennett as leader, and an attempt to entice Carter into their Party. On the other hand it may have been merely an attempt to create antagonism within the Opposition Party. If the latter were true they were given an opportunity in the summer of 1873.

In July, while Carter was visiting Canada, some of the prominent members of the Opposition Party held a series of meetings to reorganize the Party. The Morning Chronicle reported that there was a new alliance led by W.V. Whiteway and including J.W. Warren, J.O. Fraser, A.J.W. McNeily and J.T. Burton. This alliance, the Morning Chronicle called the "Confederation at any price" Party and the same newspaper accused the New Party of having ousted Carter from the leadership of the Opposition. "No man has been worse treated and abused by Whiteway's crowd than Mr. Carter They have endeavoured

¹Morning Chronicle, September 11, 1873.

²Newfoundlander, September 12, 1873. Carter to editor, September 11, 1873.

by every means to put Mr. Carter aside but there is not one man of them who can ever hope to secure the respect which is felt for Mr. Carter throughout this Colony."¹ The reorganization of the Confederate Party had taken place while four of the nine Confederate members of the Assembly had been out of the Colony. During that time the "New Party held meetings, made its electioneering arrangements, nominated candidates, appointed agents, canvassed districts &c &c" According to the Morning Chronicle they did not nominate Carter for any District "while candidates were put forward for the District he would have stood for if he had been allowed a choice."² However, Carter, having returned to Newfoundland affected a rapprochement between himself and the new party and Carter wrote to the electors of Trinity Bay that there was "quite as much unanimity in the councils of that party as ever there was and that it is organized upon no different principles than those which have ever characterized it."³

The Morning Chronicle was not quite accurate in calling the new party the "Confederation at any price" party. It is true that its leaders had been Confederates in 1869 but since then they had dropped the issue. In 1873, the characteristic common to all those named by the Morning

¹Morning Chronicle, August 21, 1873.

²Morning Chronicle, November 22, 1873.

³Quoted in Morning Chronicle, October 14, 1873.

Chronicle was that they were taking a leading part in the sectarian disputes of the colony.

It was, above all, sectarianism which formed the issue in the election campaign of 1873. That this was true can be seen in Bennett's address to the electors of Newfoundland. Bennett began his address by a condemnation of Confederation and the Confederates of Newfoundland. He listed the achievements of the Anti-Confederate Government; but he ended his address with an appeal against sectarianism:

Your opponents are endeavouring to raise the diabolical "religious cry" setting Christians, whose object should be to live in peace and charity, fighting with each other. I appeal to your better sense to discourage this wicked purpose, and well to consider the fearful and unhappy consequences to accrue from such conduct.¹

This address, considering to what extremes of sectarianism some of the Confederates had gone, was rather mild in tone. In a later address, however, directed specifically to the Protestant electors of Newfoundland, Bennett was neither mild nor shrewd. It evinces a recognition on Bennett's part that sectarianism was the issue most likely to defeat him in the election, but its immoderate tone placed the Premier irrevocably in the camp of those opposing Orangism:

The new scheming Confederate leaders, with the view to secure to themselves the support of the Protestants and thereby seats for themselves in the House of Assembly, together with the governing power, are using every artful means to accomplish that ambitious object. Among other things they tell the people that the Roman Catholics are all Fenians, and that unless they establish Orange Societies, become members of those societies and prepare

¹Morning Chronicle, September 16, 1873, C.F. Bennett to the Free and Independent electors of Newfoundland, September 13, 1873.

to defend themselves, that they may on some unexpected night be all murdered in their beds!

Bennett denied that the Government was Roman Catholic, since only two of seven members of the Executive Council were of that denomination. The accusation that most Government patronage was being bestowed on Roman Catholics he also denied. To give credence to these statements, Bennett said, was "worse than absurd." There was no need for Orange Societies or for Protestants to arm themselves. Protestants outnumbered Roman Catholics 85,486 to 61,050. There was "a great preponderance in wealth on the side of the Protestants" and in time of sectarian strife there was a Protestant Government to deal with it. Most of the Magistrates were Protestants as were the three judges of the Supreme Court. Bennett's address continued:

Ask these zealous, cowardly Orange teachers, and ask yourselves, whether you would desire to see the combat these men seek to instigate, waylaying and shooting each other, that they may, through your influence, walk into your House of Assembly, seize the reins of Government, and in like manner deceive and tyrannize over you there . . . Let me tell you that Orange Societies are the curse of Ireland and of every country where they exist, and that this and all other aggressive societies are opposed to the laws of England and the principles of your Excellent Queen, who has for their violent aggressions visited many of their offending members with severe punishment . . . If you desire peace, and not to be shooting at each other, and burning and destroying each other's property, put down Orangeism with the same strong hand that you would Fenianism and give no countenance to those who advocate it, for they are the enemies of law and order everywhere.¹

Bennett's policy as exemplified in this address seems to have

¹ Newfoundlander, September 26, 1873.

been that of attempting to alienate the Orangemen of Newfoundland from the other Protestants and thereby to gain the support of the non-Orange Protestants. He must have been confident of the support of most of the Roman Catholics and these, when combined with the non-Orange Protestants he probably calculated would give him a majority in the election. Bennett's policy, however, was fraught with the greatest of risks, for should he not succeed, he faced the possibility of having his party reduced to a purely Roman Catholic faction with at most only thirteen seats in the Assembly.

Reaction to Bennett's address to the Protestant electors was swift. The indignation of the Orangemen rose and filled the Opposition newspapers. Even the Roman Catholic Newfoundlander condemned the reintroduction of sectarianism into Newfoundland's politics:

Nothing of the kind could have been conceived in worse spirit than this Address of Mr. Bennett "to the Protestant Electors" The usual amount of contention and antagonism connected with elections will not suffice for the ends of this lover of peace - it is all without the flavour needful to him if he cannot import into it his favourite ingredient of religious rancour, at the same time vehemently deprecating with his lips the "religious cry."

The Newfoundlander interpreted Bennett's address, also, as an insult to the Roman Catholics. According to the Newfoundlander, Bennett had implied that the Roman Catholics were prevented from causing strife and disorder only by the preponderance of Protestants in official positions and in the Colony at large, as well as the greater amount of wealth among Protestants.

"Thus is the firebrand flung on both sides by the man who tells us he seeks to keep down the 'religious cry'." Far from accepting Bennett as a peace-lover, the Newfoundlander said that he had been "from time immemorial the fomenter, we might say, the only fomenter of religious strife in this country; and though of late he has shown his greed of money was a still stronger passion, the former feeling was never the less fondly nursed within him."¹

From this time onward, although the issue of Confederation was not eliminated, it was sectarianism which dominated the election of 1873. In September, Alexander Graham, Anti-Confederate member for Trinity, informed the electors of that District that he would not contest the election. "The Anti-Confederate policy in defence of which you elected me", he wrote, "having ceased to be a question, I feel that it would not be just in me to offer myself again as your Member" In his address, Graham suggested that Robert J. Pinsent and Stephen March should be elected to represent the district of Trinity. Of these two candidates, Pinsent was a Confederate and March was an Anti-Confederate. Both were Protestants, Pinsent, in his address to the electors of Trinity, repudiated the contention that Protestants were being treated unfairly by the administration. Pinsent told the electors that his policy would be "any necessary reform in the present mode of administrating the affairs of the Colony, - a fair representation of all demominations in the Government of the country,

¹Newfoundlander, September 30, 1873.

and a due regard to their respective interests in general." That the issue of Confederation was "dead" he and March agreed.¹ However, since any real party unity was non-existent at that time in Newfoundland, it cannot be concluded that Pinsent's platform was that of the Government Party as a whole. Indeed, while both March and Pinsent in their addresses deprecated the development of sectarianism, March accused members of his own party of being partly responsible for its growth. "I find", he wrote, "from what is written, as well as reported, that there are those on both sides engaged in the dreadful business of striving to arouse the people's worst passions - and without any good grounds."² One cannot help but assume that he referred to Bennett as one of these.

Since the Government Party was running at least two Confederate candidates - R.J. Pinsent and Robert Kent - it can safely be said that even the Government Party realized that Confederation was no longer an issue. To change policies mid-way through a campaign, however, has considerable disadvantages. The Confederates were then given an opportunity to characterize the Government Party as being fraudulent and deceitful. This was the tactic adopted by the Newfoundlander:

The Government have from the beginning of their career obtained a notoriety for the exposure of their own

¹ Newfoundlander, September 30, 1873.

² Newfoundlander, September 30, 1873.

falsehoods. They have seldom been content to leave this work to others - it generally seemed incomplete until the finishing touches came from their own hands. Witness their various exhibitions in the Supreme Court, where they rushed only to secure their conviction for forged records in the Assembly Journals and other scandals with which the whole public are sufficiently familiar.

It is very instructive when "traitors" betray even themselves by bursting their own bubbles; and people must be incurably blind who don't find what in American phrase is called an "eye-opener" in the move now before us.¹

From this point until the end of the election, the issue of Confederation was not taken up by the Government Party and the Opposition Party mentioned it only as an issue in which the Government had attempted to delude the electorate.

The Opposition Party's platform was put forward by F.B.T. Carter in his address to the electors of Newfoundland. The question of Confederation was merely a "disguise for ulterior and sinister objects" used by Bennett and his associates. The Government had gained notoriety for "its blunders, falsehoods, and profligate waste of the public funds." No encouragement had been given to the fisheries and "in their conduct relating to the Washington Treaty, criminal indolence, incapacity, if not treason, rest at their door." Finally Carter considered Bennett's address to the Protestants of Newfoundland "to be a gross insult to every man in the Colony worthy of the name Protestant."² The Public Ledger charged the

¹ Newfoundlander, October 10, 1873.

² Newfoundlander, October 14, 1873, Carter to the electors of Newfoundland, September 14, 1873.

Protestants of Newfoundland with the responsibility of deciding whether Bennett would be returned or not and told the Protestants to act in such a manner "as will give the present administration to understand that their conduct as the professed representatives of the people has been such as to warrant ^{of} Protestants in placing their trust only in the hands of sound men who are worthy of their confidence."¹

It was almost certain that Bennett would lose some support in this election and in a final attempt to strengthen the Government Party, the Courier, which had been at odds with the Morning Chronicle throughout 1873, printed an appeal for unity within the party.²

Nomination of candidates took place on November 3, six candidates being elected without opposition. Carbonear and Bay de Verde each elected Carterites and Fortune Bay elected T.R. Bennett who had been Speaker in the previous House of Assembly. Burgeo and Lapoile elected Prescott Emerson, a Carterite, by acclamation since Premier Bennett, who had intended to contest the election in that District, was delayed in his travelling and did not arrive in time to be nominated.³ The District of Burin returned two Carterites

¹Public Ledger, October 10, 1873.

²Courier, November 8, 1873.

³Morning Chronicle, November 7, 1873.

by acclamation, the Government candidates having withdrawn when the former promised not to support Confederation or the continuation of the Telegraph Company's monopoly.¹ This seems to indicate that in the absence of sectarianism no other issue could be found upon which to base a contest.

November 8 was election day. In all the Districts in which Roman Catholics had majorities, Bennett's Party won. In St. John's West, Lewis Tessier, a Protestant, led the polls and Pierce Barron, a Roman Catholic Carterite received approximately four hundred votes less than Maurice Fenelon, the member elected with the least votes. In St. John's East also, three Government candidates were elected, defeating Ambrose Shea by 203 votes. Placentia and St. Mary's elected three Government candidates, including Premier Bennett who defeated the only Opposition candidate by 575 votes. In addition, the Districts of Ferryland and Harbor Main each elected two Government candidates. Thus the Roman Catholic Districts continued to support the Government Party, which despite some Protestant members, could now, with even more justification than previously, be considered a Roman Catholic Party.

There was a change in some of the Protestant Districts

¹Morning Chronicle, November 7, 1873.

Trinity Bay elected three Carterites, a gain of one from the Government Party. Fogo and Twillingate elected two Government candidates and F.B.T. Carter was elected for the seat which had been added to that District by Bennett's Government. Since Fogo and Twillingate was considered to be one of Bennett's strongholds because of his mining interests there, Carter's win is all the more significant. The biggest change, however, occurred in Bonavista. That District, in 1869, had elected three Anti-Confederates. In 1873 it elected three Opposition candidates. Other Districts remained the same as in 1869. This meant that the Opposition gained and the Government lost four seats in the Assembly and the Opposition gained the new seat in Fogo and Twillingate. The standings at the end of the election were, however, Opposition - thirteen, Government - seventeen. F.B.T. Carter had been elected for Harbor Grace as well as for Fogo and Twillingate.

It is difficult to assess the importance of the Orange Society in the election of 1873. It seems certain that at least in Fogo and Twillingate the Orange Society was an important force in the election. During the campaign, both Charles Duder and Smith Mackay, the Government Party's candidates, repudiated their connexion with Bennett and canvassed "on the Independent Ticket, not daring to do so as Government candidates."¹ The Public Ledger praised the

¹Public Ledger, November 18, 1873.

Orangemen for the part they played in the election. "We cannot refrain", said an editorial, "from paying tribute to the Orangemen of Twillingate for the pluck and perseverance they displayed in this contest."¹ It is certain that Carter must have received overwhelming support outside Fogo and outside Tilt Cove, where Bennett's mining interests were located. In Tilt Cove, Carter received only one vote while Mackay and Duder received 145 each. In Fogo, Carter received ten votes to 110 and 101 for Mackay and Duder respectively.² It is probable also that the Orange vote was influential in Bonavista, for there, two of the leading Orangemen, McNeilly and Burton were contesting the election, and while their majorities together with that of Charles Bowring were not large, two of the Government Party's candidates were members of the Executive Council and the other, Francis Winton, was editor of the Government Organ, the Morning Chronicle. However, all the candidates in Bonavista were Protestants; therefore any sectarian opposition to the Government candidates must have resulted from a belief that the Government Party was primarily a Roman Catholic Party.

Some support for the Opposition Party came from the

¹Public Ledger, November 18, 1873.

²Telegraph, November 26, 1873.

Wesleyans. After the election the Morning Chronicle reported the "full strength of the Wesleyan Body was thrown in opposition to the Government." The Morning Chronicle also printed a copy of an address to the Wesleyans which had been circulated during the campaign. This address pointed to the lack of any representation of the Wesleyans in the Bennett Government.¹ The only District in which Wesleyans had an absolute majority, Bay de Verds, elected an Opposition candidate by acclamation. This may indicate that the Morning Chronicle's charge was true.

The election was inconclusive. In addition to the fact that after electing a Speaker the Government Party would have a majority of only three and possibly only two depending on the result of the by-election in Harbor Grace, there were rumors of defection from the Government Party. The Morning Chronicle reported early in December that the Opposition were hoping "to bring about a defection in the Government ranks."² If this were to take place, the Government would be further weakened and would probably lose power. In reporting the outcome of the election to Kimberley, Governor Hill also suggested the possibility of a defection. "Mr. Carter's idea is", he

¹Morning Chronicle, December 17, 1873.

²Morning Chronicle, December 12, 1873.

wrote, "to gain a majority in the House" ¹ Even without a defection, the election results were a pleasant surprise to Carter. ²

After only four years in power Bennett's Government had lost support to the extent that its position had become very precarious. Bennett had come to power on a tide of Anti-Confederatism; he was in office during a relatively prosperous period, and his majority was large. However, unlike the Opposition, Bennett's Party contained representatives of two religious groups which in Newfoundland politics had often been antagonistic to each other - the Roman Catholics and the Protestants. [Most of the newspapers in the Colony supported the Opposition Party and they took advantage of the Government Party's ineffectiveness to sway the electoral against it.] The Anti-Confederates failed to keep alive the fear of Confederation and to stop the growth of sectarianism in the colony. Because of what appeared to be almost continual strife within the Anti-Confederate Party, the Government often failed to take decisive action. Finally the Government allowed accusations of partisanship in public administration to go without any effective refutation. When the resultant sectarianism

¹Hill to Kimberley, C.O. 194/186, Confidential, December 13, 1873.

²Hill to Kimberley, C.O. 194/186, Confidential, December 13, 1873.

developed, the Government made a tactical error by condemning the Orange Society and underestimating its strength. They allowed the offensive to be taken by the Opposition and offered only ineffectual and at times divided defence. All this, however, was not sufficient to bring immediate defeat. Indeed the theme of Newfoundland's politics in 1873 seems to have been indecisiveness. The Washington Treaty was left unratified; the question of the telegraph monopoly was left unsolved; and sectarianism, although it increased in importance, was not sufficiently strong to cause the immediate defeat of the Government. It remained to be seen whether the Government Party could survive a meeting of the Legislature and regain some of its lost support.

CHAPTER V

SECTARIAN DIVISION COMPLETED

The general election of 1873 was not, in itself, inconclusive. The Government obtained seventeen seats, the Opposition Party only thirteen. One seat was vacant. Even if the Government Party could not win that seat in a by-election, after the el^lct^lion of a Speaker, there would be a majority of two on the Government side of the Assembly. Ordinarily, this would be sufficient to sustain the Government. But retention of power by Bennett's Party depended upon party solidarity, and already in 1873 there were rumors of disaffection within the ranks. As 1874 began, then, the Government's main considerations were for retention of power and, should defections occur, for attempting to increase its popularity in preparation for the next election. The immediate goal of the Opposition Party was to bring about a defection from the Government and thereby to replace it.

The Government Party could not have had much hope of winning the Harbor Grace by-election. The general election had been held only two months previously and at that time two Opposition candidates had been elected. Three days before nominations were to be made, Major Henry Renouf, the Surveyor General, and T.R. Bennett, the Speaker in the previous House, were appointed to judgeships.¹ In a meeting of the Executive

¹Minutes Executive Council, 1869-1874, January 9, 1874.

Council on January 7, it had been decided that "in case of the break up of the Government Major Renouf was to be appointed to the Bench."¹ It is difficult to find the reasons for Bennett's making these appointments, but it is probable that the forecast defections of members from the Government Party played a major part. The Patriot, owned by Robert John Parsons, Government Party member for St. John's East, thought that the Executive Council had agreed to the appointments of Renouf and T. R. Bennett "with the proviso that neither of them should leave the Party unless the Premier had a majority to sustain him." But Renouf and T. R. Bennett pressed their claims to appointment by convincing the Premier that three Government supporters had decided to join the Opposition. These three were Charles Duder, member for Twillingate and Fogo, J. Bartlett, member for Port de Grave, and P. Nowlan, member for Harbor Main.² In addition to these three, it was reported in some newspapers shortly after the election that Smith McKay, member for Twillingate and Fogo, had campaigned as an independent,³ and this made stronger the argument that after the by-election in Harbor Grace, the Government would lose power anyway. In this light, the "opportunity of these gentlemen [Renouf and T. R. Bennett] to secure themselves in a snugger for life was not to be

¹Misc. Papers and Despatches, 1873-1874, Bishop Power to Hill, January 10, 1874.

²Patriot, January 31, 1874.

³Public Ledger, November 18, 1873.

neglected, and they forthwith determined to badger the Premier into an instant recognition of their right to the situations recorded in the Journals of the Council."¹ The Government Party decided not to contest the Harbor Grace by-election. Since this decision had likely been made before January 9, the appointments made on that day probably resulted from C. F. Bennett's conviction that even with the support of Renouf and T. R. Bennett he could not retain office. The prospects of Bennett's retaining office, if it depended on the by-election, were indeed dim for early in January a scandal concerning the Harbor Grace by-election broke.

In an attempt to gain the support of the Wesleyans in the District of Harbor Grace, the Government Party apparently had offered a bribe to the Reverend C. Ladner, Minister of the Wesleyan Church at Harbor Grace. The rumor that a bribe had been offered spread just at the time when Renouf and T.R. Bennett were urging the Premier to appoint them to the Bench. On January 10, the Morning Chronicle denied the rumor.² Soon after this, Ladner, in a letter to the editor of the Newfoundlander, recounted the story of the attempted bribery. According to Ladner, on December 10, Alexander Parsons, one of the editors of the Harbor Grace Star, had approached him and, reading a letter purporting to be from Premier Bennett, had offered to give him one thousand pounds if he would use his

¹Patriot, January 31, 1874.

²Quoted in Newfoundlander, January 16, 1874.

influence "in obtaining the Wesleyan vote to return the Government Candidate". This offer was repeated and was accompanied with the assurance that "Mr. Bennett would do anything for the Wesleyans" if they were to support the Government's candidate. Later, in the presence of two other residents of Harbor Grace, Parsons admitted that he had told Ladner that if he were to use his influence in support of the Government's candidate the Government would do "anything" for the Wesleyans "even to assist in building a Church or Parsonage." Parsons, however, did not admit having offered Ladner one thousand pounds.¹ Premier Bennett replied in the Morning Chronicle saying, "For what Mr. Parsons may have said I cannot be held responsible, but I deny having written any such letter to him, or anyone else."²

This denial by Bennett was not accepted by the Opposition Party. The Public Ledger said:

The only solution of the mystery seems to be that the letter read by Mr. Parsons to Mr. Ladner, the authorship of which is denied by Mr. Bennett, was penned by Mr. Bennett's clerk and at Mr. Bennett's dictation - and that Mr. Parsons had been bribed to assume the responsibility of the whole affaire, and hustle it off his shoulders as best he can.³

By this time, however, Bennett was about to resign office. Bennett's Government resigned on January 30, and

¹ Newfoundlander, January 16, 1874, Ladner to the editor, January 13, 1874.

² Newfoundlander, January 20, 1874, Bennett to editor, Morning Chronicle, January 16, 1874.

³ Public Ledger, January 23, 1874.

F. B. T. Carter became Premier, including in his Executive Council Charles Duder, the only defection from Bennett's Party. The fall of Bennett's Government was pointed to by the Confederates as being typical of the actions of that Government and as having been, in effect, self-execution. "It would be difficult", said the Newfoundlander, "to point any where in the records to a fate so utterly ignominious as that which has at last overtaken the late administration It is one thing that the mature verdict of the country should have doomed imposters to political death - it is quite another that they should have been their own executioners."¹ The Newfoundlander placed the blame for the defeat of the Government at the door of its own Party. The Government newspapers placed the blame on the "defection and treachery of some, and the acceptance of office by other supporters of the Government on the floors of the Legislature." This was really the same point of view, but the Courier went further. It was scathing in its condemnation of Carter's Party for what it considered the dishonorable attempt to defeat Bennett's Ministry. "The enemies of public liberty", the Courier said, "defeated at the polls, notwithstanding their deep and well laid strategy, still continued to work unscrupulously and unceasingly by every means within their power, to bring about what they could not otherwise hope to achieve in a legitimate and regular manner."²

¹Newfoundlander, February 3, 1874.

²Courier, January 2, 1875.

It might be expected that with Bennett's fall from power his critical approach to the other Party would have changed. Actually, there was only one innovation - that concerning the means used by Carter to attain, and to be sustained in, office. The fact that Carter's retention of power depended on the Speaker's vote was of particular annoyance to Bennett's Party. Indeed, the Opposition contended that since the Speaker had been elected by his own vote (the parties being otherwise of equal strength) the election was unconstitutional.¹ With the House of Assembly evenly divided into two parties, the Opposition chose to filibuster, and it was not long before the newspapers supporting the Government began to complain of such a tactic. Only four days after the opening of the Legislature the Newfoundlander protested:

Although the Assembly have met each of the last three days, there has been almost nothing done of the business before them. The time has been occupied chiefly by Mr. Parsons [editor of the Patriot] who appears to be put forward as a kind of fag by the opposition, to kill the time and patience of all present, in talking twaddle and jokes that were cracked out a score of years ago.²

Later in the year, the Public Ledger reported that on March 9 the Opposition "kept the House up all night obstructing the vote for the appointment of doorkeepers etc."³ Probably the climax of the Opposition's obstructionist policy was reached during debate on the Revenue Bill. Before the introduction of this Bill, the Opposition had declared its intention not to

¹Patriot, February 7, 1874.

²Newfoundlander, February 13, 1874.

³Public Ledger, March 13, 1874.

oppose the Bill's passing.¹ However, in the House, the Opposition introduced a resolution saying that "it was unreasonable" further to consider the Bill while two seats of the Assembly remained vacant.² The Opposition contended that it was unconstitutional for the Government to impose taxes without full representation of the colony,³ and determined not to let the budget pass. On Saturday, March 14, as on the previous day, the House was sitting late at night. At twelve o'clock, R. J. Parsons, who had been speaking since nine o'clock that evening, pointing to the clock, said that "no law making should violate the Sabbath Day." When the Government indicated its intention of remaining in the House until the budget was passed, "Mr. Parsons ended his address, and with the entire Opposition phalanx in a body left the House."⁴ This was the first time that any Bill had been passed in Newfoundland's Legislature on Sunday, and the Opposition Party took advantage of this fact to attempt to alienate the Government from the Protestants of the colony. "It is remarkable", said the Morning Chronicle, "that the first instance of such a profanation has occurred under our new Wesleyan administration." Most of the Morning Chronicle's criticism was directed against Charles R. Ayre, member for

¹Public Ledger, March 13, 1874.

²Newfoundlander, March 17, 1874, Proceedings House of Assembly, March 13, 1874.

³Patriot, March 21, 1874.

⁴Patriot, March 21, 1874.

Burin, which District, except for Bay de Verde, had the highest proportion of Wesleyans. One editorial in that paper said, "Imagine the full mouthed hypocrite Ayre at work in the House of Assembly at one o'clock on Sunday morning and ten hours later in meeting; lifting up his eyes to Heaven like any other whited sepulchre." ¹

This observation fitted into a course of procedure adopted by Bennett's Party and criticized by Carter and his followers as contributing to the development of the false issue of sectarianism. The Carterites, themselves, had taken advantage of sectarian differences, which, indeed, contributed much to their success in the election of 1873. That sectarianism had taken the form of opposition to the supposed Roman Catholic domination of Bennett's Ministry. Bennett's Party, now forming the Opposition, described Carter's Government as being dominated by Wesleyans. Before losing office the Bennettites had tried to divide the Protestants. Their sectarian policy now that they were in Opposition was, therefore, merely a continuation of that attempted while in office.

The issues for 1874 of the Morning Chronicle and the Courier have been lost, and therefore the part played by most of the members of Bennett's Party must be seen through other newspapers, most of which were supporting

¹Star, March 25, 1874, copied from Morning Chronicle, March 17, 1874.

Carter. In May, the North Star, edited by Robert Winton, a brother of Francis Winton, the editor of the Morning Chronicle, commented on the sectarian tactic of Bennett's Party:

Some feeling is endeavoured to be created by the opposition press between Church of England people and Wesleyans, on the ground, - as Mr. Bennett's paper so unreasonably puts it, - that "the Methodists are so greatly in the ascendancy that Churchmen have no right which the government respect.

The North Star denied this allegation:

Unfortunately for the Wesleyans, however they have no ascendancy either in the Executive or Legislative branches of the Government; but are, on the other hand, very largely in minority. In the Executive Council, out of six members, the Wesleyans have only two; in the representative branch of the Legislature, out of fifteen seats, they only occupy five.¹

The Morning Chronicle was not persuaded to abandon its criticism. In July, the North Star quoted, again from the Morning Chronicle, a statement that "the people of Newfoundland are now fully aware of the fact that the present administration is almost entirely in the hands of the Methodist denomination which has, for the past six months, been ruling with a high hand" The Morning Chronicle accused the Government of turning out of public office "members of other churches whose whole offence is that they are not Methodists." After denying this charge, the North Star attempted to explain the reason for the Morning Chronicle's sectarian attacks. The North Star reasoned that in 1869 Bennett's Party had come to power only because it had succeeded in dividing the Protestant voters.

¹North Star, May 23, 1874.

"It is only in the case of division of our body", the editor wrote, "that bad men can ever expect to attain the opportunity of accomplishing their wicked purposes at our expense" ¹ Having succeeded in 1869, apparently the Bennettites again attempted to divide the Protestants, but in 1874 there was no issue such as Confederation, which really did not involve sectarianism. The Morning Chronicle, at least, continued this line of attack until the election in November.

A second tactic employed by Bennett's Party was to attempt to revive the fears of Confederation. This, too, the Carterites thought a false issue, and, like the sectarian argument, was merely a continuation of the device used while Bennett held office. From time to time, the Morning Chronicle copied from foreign newspapers articles containing "information to the effect that this Colony ... [was] plotting Confederation." The Newfoundlander suspected that C.F. Bennett, himself, first wrote these articles and then sent them to foreign newspapers. Finally, copies appeared in the local press as evidence that the Confederates of Newfoundland were clandestinely^e working¹ for Confederation. "It is pretty well known", said the Newfoundlander, "that these truthful morsels have been telegraphed and written by Mr. Bennett and his agents here, of course for the purpose of mischievous deception."² It does seem unlikely that Carter's Government, sustained only by the

¹ North Star, July 11, 1874.

² Newfoundlander, March 3, 1874.

Speaker's casting vote, would have risked reviving an issue which had brought defeat in the election of 1869.

The reason for emphasizing these questions of Confederation and sectarianism in 1874 are fairly clear. In 1873, before the election, Carter's Party had asked for the appointment of a Royal Commission to investigate the public accounts. Bennett had refused¹, but when Carter came to power a Royal Commission was set up. On March 10², William V. Whiteway, the Solicitor General, introduced a resolution to the House of Assembly drawing attention to the fact that "the sum of ninety thousand dollars and upwards" had been expended during the year 1873 "over and above the Legislative grants, and without Legislative authority." Whiteway, in his resolution, called for a Commission to investigate the "public expenditure and accounts" from January 1, 1870 to January 31, 1874. The Opposition proposed that the period under investigation be extended to include the years 1866 to 1869 and this was agreed to by the House.³ The Commission, headed by Justice Robinson, was appointed by the Governor on March 28, 1874.

The findings of the Royal Commission were set forth in several reports. The first, concerning the expenditure for

¹ See above, c. IV, p. 142 - 143.

² The Royal Commission's Report states that the resolution was passed on March 9. The Journal of the House of Assembly states March 10.

³ Journal House of Assembly of Newfoundland, March 10, 1874, pp. 43-44.

poor relief, was made on April 13. It said that during the period 1866 to 1869, which was one of "commercial depression" during which "the fisheries were bad, and the labouring classes were in distress", the average annual expenditure for relieving "permanent and casual paupers" had been \$66,828. In the period 1870 to 1873, during which there was "commercial success and general prosperity", the expenditure for pauper relief reached an average of \$72,975 yearly. The Commission heard evidence from Richard Howley, the Government accountant, who said that in his opinion there was "no satisfactory reason for any increase of pauper relief" in 1872 and 1873. For twenty-two years, until June, 1872, Dr. Joseph Shea had been the sole Poor Commissioner. He, with Richard Howley, had kept a check on the details of public expenditure for poor relief. When Shea retired, however, the Colonial Secretary, James L. Noonan, was made Poor Commissioner. The Royal Commission found that from the time of Shea's departure to January 31, 1874, there had been "no account furnished to, or any examination audit by any Government department of the payments alleged to have been made for Poor Relief", although such payments had reached "an annual sum equal to a tenth of the annual revenue of the Colony."

The permanent poor in St. John's at that time numbered about 250 and Noonan accepted as his guide for distributing relief a list of these persons left by Shea. Noonan made no examination or revision of the list although he admitted the

need for such an examination for some of those listed might have died. The Commission reported that James Dunphy, the Poor Commissioner's clerk had complained to Noonan in 1873 about the increase in outport expenditure. There was an increase in all Districts except Burgeo and St. John's. In Harbor Grace the increase was twenty-four per cent. Dunphy attributed the increase to the fact that the Government was seeking support in the election. When Dunphy had "remonstrated with Mr. Noonan for sanctioning a small increase the latter had allowed in Burgeo, as being exceptional", Noonan had replied, "Oh, we are going to have a general election in the fall, and we must not disturb the arrangement." Dunphy produced various "orders for money and goods" on which payments had been made by the St. John's Commissioner, the unusual character of which had excited his suspicions and strengthened his opinion. These payments had been made to persons in the Districts of Ferryland, Placentia and St. Mary's, and Bonavista. None of the orders for the payments came in the usual way, through the relieving officer on his own responsibility, but were "drawn and paid by the express direction" of members of the Assembly.¹

The Report on Light House Expenditure also pointed out irregularities in government spending. During the period 1866 to 1869, the average annual expenditure on thirteen Lighthouses then in operation was \$20,055. The average annual

¹Misc. Papers and Despatches, 1865-1878, Royal Commission Report, No. 1.

expenditure between 1870 and 1873 was \$20,805, making a total increase of \$3,000 in four years. The Commission reported in this connexion: "We have endeavoured to trace the cause of this increase and can only find it accounted for satisfactorily to the extent of \$665.20 for new apparatus for the St. John's beacon." The Report continued: "In the lighthouse accounts of last year [1873] we have discovered that two large sums of money appear to have been improperly drawn from the public chest, and to have been wrongfully charged to public account." Both sums, \$1897.50 altogether, were paid to the owners of the steamer "Hercules" and the Report stated clearly that the Commission believed that the steamer was "hired and used solely for electioneering purposes of Messers. Winton, Noonan, Barnes, and Renouf." In addition, the Commission reported that \$2,090 had been misappropriated and used similarly for the hire of the steamer "Cabot" in the District of Twillingate and Fogo.¹

The fourth report dealt with heating and lighting government buildings. The report said:

The sudden increase in the charge for fuel and light for Government House, for the Lunatic Asylum, and for the Colonial Building, in the year 1871, followed by a progressive augmentation, year after year up to 1874, was too large and too systematic to have been accidental.

We instituted a searching and laborious investigation, by which we have discovered grave irregularities on the part of the Board of Works during those years, an intermission of checks which were customary to prevent frauds, and in some minor instances, misappropriation of public fuel to private use. We have found that tenders have been tampered with, that independent check-keepers

¹Misc. Papers and Despatches, 1865-1878, Royal Commission Report, No. 2.

have been dispensed with to make way for dependents of the Board of Works, whereby if wrong had been premeditated; its execution could more easily be accomplished; and we have ascertained ... that a quantity of coals, exceeding 300 tons, has been paid for by public money during the last three years, that has never been applied to public uses.¹

On September 21, 1874, the fifth report was issued.

It dealt with an explanation of some statements made in previous reports and pointed out particular instances of irregularities in the records of the Board of Works. One of these irregularities concerned the allocation of \$2,000 to each electoral district "for public improvements." The Commission found that the financial statement for this purpose showed the sum of \$13,996.78 to be unexpended, whereas the actual amount of that vote unexpended on December 31, 1874 was \$20,270.38 which was to be divided among eleven districts. Carbonear "had a credit balance, by the Board of Works ledger," on January 1, 1873 of \$756.70. Yet on March 4, 1873, a further sum of \$1914.96 was drawn by the Board of Works on the Treasury and added to the balance, although the amount required for expenditure in Carbonear was only \$671.00 for the whole year. The Commission found that it could "conceive no object in such a proceeding except to place cash at the control of the Board for purposes foreign to those prescribed by the Legislature."²

The Colonial Secretary in Carter's Government, E.D. Shea, wrote to Major Henry Renouf, who had been Chairman of the

¹Misc. Papers and Despatches, 1865-1878, Royal Commission Report, No. 4.

²Journal House of Assembly of Newfoundland, 1875, App. p. 860, Royal Commission Report, No. 5.

Board of Works from 1870 to 1873, and to James L. Noonan, who had been Colonial Secretary during the same period, asking for an explanation of the inconsistencies discovered by the Commission. Both replies were considered by the Executive Council to be "quite unsatisfactory."¹ In reply, Renouf informed Shea that he did not consider himself "bound in personal liability for an act done in his ... official capacity that had the sanction of the Premier and members of the Executive." Renouf offered to pay from his salary yearly deductions until the \$1,275 involved had been repaid.² Noonan refused to give an explanation.³

As might be expected the newspapers supporting Carter's Government took full advantage of the publication of the Commission's reports to embarrass the Opposition Party. Even before the Commission had been appointed, the Telegraph had condemned Bennett's Administration for concealing irregularities in public expenditure. At that time, the Telegraph said, "It is not only that the falsifiers have expended the large sum of \$935,000 last year that we complain, but the disgrace is that, in various accounts representing this outrageous expenditure, the most flagrant and diabolical frauds were

¹ Journal House of Assembly of Newfoundland, 1875, App. p. 885, E.D. Shea to His Worship Judge Renouf and James L. Noonan, June 26, 1874.

² Journal House of Assembly of Newfoundland, 1875; App. p. 888, H. Renouf to Hon. E.D. Shea, July 4, 1874.

³ Journal House of Assembly of Newfoundland, 1875, App. p. 892, Noonan to the Hon. Acting Colonial Secretary, July 11, 1874.

attempted to be concealed" ¹ Later, after the first report had been made, the Newfoundlander, drawing attention to the Morning Chronicle's attempt to raise again the issue of Confederation, explained the policy of Bennett's Party in this way:

It has been evident to Mr. Bennett & Co. for the last month at least that the many frauds of his administration must come to light; and to turn off attention from these by any and every conceivable artifice has of course been a very cherished object.²

When Bennett's Party tried to persuade the public of Newfoundland not to trust confessed Confederates, the Telegraph retorted:

It is for the people to say whether they accept Mr. Carter's pledge and the pledge of every man of his party - that Confederation will not be revived until the people ask for it - or believe the lies propagated by men who have been found out in gross frauds upon the public.³

Anti-Confederates in Newfoundland, as an argument against joining Canada, had, from time to time, drawn attention to corruption in Canadian politics. This was particularly true at the time of the "Pacific Scandal". The Newfoundlander, probably the leading Confederate newspaper in Newfoundland, now compared the "Pacific Scandal" with that involving Bennett's Government. In the "Pacific Scandal", said the Newfoundlander, "Sir John MacDonald [sic] incurred no personal dishonour", because he had attempted "to stabilitate his party", and

¹ Telegraph, February 25, 1870.

² Newfoundlander, March 3, 1874.

³ Telegraph, March 4, 1874.

according to the Newfoundlander, "party exigency" was generally held to sanction such practices. John A. Macdonald had not "received any direct personal benefit from the transactions." "Here", said the Newfoundlander, "the main design and purpose of the Executive position appears to have been to turn public money into the hands of Mr. Bennett and his partisans, and to keep together the personal machinery which had done this work with the most pliant ease and in most lavish measure."¹

In August, the North Star summarized the reaction of the Bennettites to the reports of the Royal Commission. First, "Mr. Bennett's paper and its confrerers" attempted to avoid guilt by "slandering the Judges", and by attempting to "divert public attention from themselves and their enormities by raising side issues."² That the Opposition tried to undermine public confidence in the Commission can be seen in an editorial that appeared in the Harbor Grace Star in August:

We say therefore, that it is untrue that the public have confidence in the Commission or the Commissioners. And we say, further, that so far has confidence in Judge Robinson'e [sic] impartiality been lessened, that the sooner he is removed from the Supreme Court Bench, the better.³

One of the side issues was that of Confederation, and in answer to the Opposition's attempts to revive it, the North Star categorically stated, "there is no Confederate Party in existence now in this Country."⁴ The device of raising side issues

¹ Newfoundlander, March 6, 1874.

² North Star, August 1, 1874.

³ Star, August 1, 1874.

⁴ North Star, August 1, 1874.

was not successful, however; the corruption of Bennett's Government and sectarianism provided the major issues of the election campaign of 1874. In this campaign the problems of the telegraph monopoly and the Washington Treaty were not significant.

During Bennett's term of office, some newspapers supporting his Government had tried to convince the electorate that Carter's Party supported the monopoly of the New York, Newfoundland, London Telegraph Company. However, the policy of Carter's Government did not differ much from that of its predecessor. Governor Hill informed Kimberley in March, "My present advisers are averse to the continuance of the Monopoly but, fear to exercise a right of preemption, which in their opinion would entail an expense beyond the reach of the financial condition of the Colony."¹ The Government of Newfoundland under Carter, as under Bennett, was willing to waive the right of pre-emption if the New York, Newfoundland, London Telegraph Company would cede its monopoly. As long as the company would not agree to this, there was nothing the Government could do but wait until it was financially able to buy out the company's property in the colony. As the Public Ledger said in May, relations between the Government and the telegraph company were not a party issue.² All the newspapers supporting Bennett opposed the monopoly and these newspapers

¹Letter books of Secret and Confidential Despatches to the C.O., 1871-1874, Hill to Kimberley, Confidential, March 2, 1874.

²Public Ledger, May 5, 1874.

differed from those supporting Carter only in their less moderate pronouncements against the company. The Public Ledger well summed up the Carterites' position:

No Confederate, in our opinion, can, and no true Confederate does, favor this Monopoly.

The policy of the Confederate Party is, to remove by all lawful means obstacles to the progress of the colony, and it would be in strict accordance with this policy to abolish the monopoly; but to do so at the sole risk and hazard of the country when so much is involved would be, to say the least of it, a very questionable proceeding.¹

With the political parties of Newfoundland both following such similar courses concerning the telegraph monopoly, it could hardly be expected that what dissimilarity did exist could be amplified into a major election issue.

Another possible election issue was avoided by Carter's Government. When Newfoundland's Legislature had included in its act giving effect to the Washington Treaty a proviso to restrict fishing during certain periods of the year, the American Government had objected. Newfoundland's act was disallowed², and nothing could be done to ratify the treaty until the meeting of the new Assembly. When the Legislature met in 1874, a revised bill was presented. The Premier, himself, introduced it on March 24. The bill passed through the Assembly in one day; there were no amendments brought forward; and there was no division. On the following day the bill

¹Public Ledger, May 5, 1874.

²Journal House of Assembly of Newfoundland, 1874, App. p. 1037, Kimberley to Hill, No. 48, August 26, 1873.

passed the Legislative Council. The Queen gave the bill special confirmation on May 12 and on May 30, the President of the United States, U.S. Grant, and Governor Stephen Hill of Newfoundland issued proclamations giving effect to the Treaty.

There was one other problem which could have influenced the election if the Government had not found a solution. The problem was the sub-division of the Protestant education grant. Bennett had tried to effect a sub-division in 1871, but had surrendered to the strong opposition against it. In 1872, the Government was petitioned from every Protestant District in Newfoundland in support of dividing the grant.¹ However, Bennett did not attempt again to introduce the legislation necessary for sub-division. When Carter came to power, a select committee of the Assembly was set up "to consider and make arrangements for a sub-division of the Protestant Education Grant."² On March 26, the select committee reported to the Assembly. The committee supported sub-division and a bill was accordingly introduced "to provide for the denominational sub-division of the monies appropriated for Protestant Educational purposes."³ The bill was finally passed on April 5.⁴

¹ Journal House of Assembly of Newfoundland, April 2, April 3, April 4, April 9, 1872, pp. 127-128, 130-131, 145, 147.

² Public Ledger, February 14, 1874, Proceedings House of Assembly, February 12, 1874.

³ Journal House of Assembly of Newfoundland, March 26, 1874, p. 84.

⁴ Journal House of Assembly of Newfoundland, April 5, 1874, p. 181.

The Government took this step apparently because ecclesiastical leaders had refused to co-operate in promoting a non-denominational system, and considering the excited state of sectarianism, no Government could afford to alienate a large segment of the population. The Public Ledger, which previously had opposed sub-division, probably most clearly stated the attitude of most Carterites:

It is to be regretted; for the sake of the rising generation, that there should be either division or sub-division in this important matter, but circumstances are such, or, to put it more plainly, the position of the principle religious denominations towards each other is such, as to render separation necessary

Carter, in supporting sub-division, was not taking a great risk. He had taken a precaution, and during the election campaign he was able to boast:

Clergymen and the principle laymen members of the denominations who would chiefly be affected by the change, agreed between themselves in the bill which was introduced in the Assembly and which passed both branches without division.²

The ill-feeling between Roman Catholics and Protestants was probably sufficient to out-weigh any internal Protestant dispute. Protestant-Roman Catholic antagonism was the main issue in the election campaign.

In October, the North Star tried to convince its Protestant readers of the necessity of electing Protestant representatives for every Protestant District. If they did

¹ Public Ledger, February 20, 1874.

² Newfoundlander, October 20, 1874, F.B.T. Carter to the Independent Electors of Newfoundland.

not, the North Star thought they would actually be aiding "the Romanish party":

They only want five or six Protestant members to join him [Bennett], and then their own ten or eleven members simply govern the whole country. The few weak-backed Protestant dummies who support them in doing this, have not a word to say against it, they are the minority of the party, and are therefore always voted down when they object to the high-handed proceedings of their colleagues. ¹

After the election, Governor Hill reported to Lord Carnarvon² that "religious partisanship" had been exhibited during the campaign and that at least in once case "a very angry sectarian feeling among the community in the vicinity of St. John's" had probably led to manslaughter.³

The election was held on November 7, twelve members having been elected by acclamation on November 2. The two single-member Protestant Districts which in 1873 had elected supporters of Bennett now elected Carterites. In Brigus and Port de Grave, the incumbent, John Bartlett, was beaten by a vote of 448 to 338, and in Fortune Bay, the District which T.R. Bennett had represented, Robert Alexander defeated Robert J. Pinsent by a vote of 377 to 300. The only other Protestant District which had elected members of Bennett's Party in 1873 was Twillingate and Fogo. In that District, in

¹ North Star, October 31, 1874.

² Herbert, Henry Howard Molyseux, fourth Earl of Carnarvon (1831-1890). Secretary of State for the Colonies, July, 1866, to March, 1867, in the third Derby - Disraeli Ministry and February, 1874, to February, 1878, in the Disraeli Ministry, (D.N.B., IX, 646-652).

³ C.O. 194/190, Hill to Carnarvon, February 1, 1875.

1874, the Bennettites were all defeated. F.B.T. Carter led the polls there with 1008 votes. All the other Districts remained as they had been. The result, therefore, was that Carter's Party elected eighteen members and Bennett's Party, thirteen. Every Protestant District in the colony elected Carterites to the Assembly; Bennett depended for his support in the House entirely on Districts with a majority of Roman Catholics.

When, in 1865, F.B.T. Carter first became Premier of Newfoundland, its political parties were roughly divided along religious lines. Roman Catholics supported one party; Protestants supported the other. Now, in 1874, after a brief, excited interval when sectarianism was subdued by Confederation, political and sectarian adherence could again be almost perfectly equated.

CONCLUSION

"The period appears to have arrived when a question which has for some time engaged public discussion, viz: the construction of a Railway across the island to St. George's Bay, should received a practical solution." So spoke Governor Stephen J. Hill in his Speech from the Throne in 1875. In the same speech, the Governor called upon the Legislature to consider development of the "Northern and Western Forests and Agricultural lands."¹ This observation and this call to action signify one thing at least: The once Confederate Party, for the time being, had given up thoughts of union with Canada and were now thinking of developing the colony's resources themselves. Whether the task they had assigned themselves would be too great and whether they would have to call for outside assistance, probably in the form of union, remained to be seen. For the present, Confederation, after dominating Newfoundland's politics, no longer remained an issue.

Sectarianism seemed all-important, as it had just before Carter first came to power. From that time, until 1869, the importance of Confederation as a political issue increased. The Anti-Confederates waged such an intense and extensive campaign that in 1869 Carter's Coalition Government was defeated at the polls and C.F. Bennett became Premier.

¹ Journal House of Assembly of Newfoundland, February 4, 1875, p. 45.

Sectarian antagonism, for a time, lessened. But all the Roman Catholic Districts were represented in Bennett's Party; representatives of Roman Catholic Districts were in a majority in the Executive Council; consequently, Bennett was accused of submitting to Roman Catholic domination. Sectarianism, combined with Bennett's undynamic leadership and inefficient government, led to the defeat of the Anti-Confederates after the election of 1873. Sectarianism and the uncovering of misappropriations of public funds combined in 1874 to reduce Bennett's Party to one supported only by Roman Catholic Districts destined to remain the Opposition unless some other issue could be found to catch the imagination of Protestants.

When F.B.T. Carter first came to power and formed his coalition, the ostensible purpose for its formation had been to end sectarian strife. But having lost the following election the Carterites found that the easiest means of regaining control of the Government was to use sectarianism. This they used with swift success.] Now in 1875, those opposed to sectarianism could look only to the construction of the railway and the opening up of the West to provide issues which would replace sectarian strife in the politics of Newfoundland.

APPENDICES

APPENDIX A

REPORT OF DELEGATES TO THE GENERAL
COLONIAL CONVENTION AT QUEBEC¹

St. John's, January 21, 1865

Sir,

Having been honored by the Government of this Colony with the appointment of Delegates to the General Colonial Convention at Quebec, on the subject of the Union of the British North American Provinces, we proceeded in the Steamer "St. George" on the 23rd of September last, and arrived in due course at our destination. The Meeting was appointed to be held at Quebec on the 10th October, - on which day the Delegates from the several Provinces met at the Parliament Buildings in that City. Canada was represented by the members of the Executive Council of that Province, twelve in number; Nova Scotia had five Delegates, New Brunswick seven, Newfoundland two, and Prince Edward Island seven. The credentials of the Delegates from the Lower Provinces were handed in and the Convention was then organized by electing Sir Etienne Tache, Premier of Canada, to be Chairman, and the several Provincial Secretaries and Mr. Shea to be Secretaries to the Convention.

Sometime previously, a Meeting took place at Charlottetown of Delegates from Nova Scotia, New Brunswick and

¹Journal Legislative Council of Newfoundland, 1865
App. No. 5, pp. 34-39.

P.E. Island, for the purpose of considering the question of a Legislative Union of these Provinces, and while so engaged, some members of the Canadian Government presented themselves with a proposal for the Union of all the Provinces, which was so far received with favour that the consideration of the original question was suspended, and the larger one entertained and discussed. The Meeting then adjourned to Halifax, where the Delegates met shortly after and proceeded with their deliberations, which resulted in a resolution that a further Conference should be held at Quebec, to which Newfoundland should be invited to send representatives.

Though the subject had been fully discussed in all its general bearings at these earlier meetings, it was now necessary to treat it more specially in relation to the position the Colonies should respectively occupy in the contemplated Union, and moreover, the Newfoundland Delegates not having had the advantage of being present at the previous meetings, it was suggested that an exposition of the whole question should be gone into on their account. This was agreed to, and the business proceedings were accordingly opened by the Hon. John A. McDonald [sic], Attorney General of Upper Canada, in an elaborate statement, shewing the great benefits of combination to communities circumstanced as British North American Colonies are - drawn not only from the nature of things as respects the Provinces in their present state, in relation to each other, but fortified also by the experience of the working of the

Union they formed on their separation from the mother country. The necessity for Union was also shown by Mr. McDonald, who considered it the policy clearly indicated by the Home Government, where it was justly felt that the time had arrived when the British North American Provinces should assume the position demanded by their numbers, wealth, extent of territory and growing importance, and it was alone by a Union of the whole that they could fit themselves for the great place now open to them, and which the efforts of individual Provinces could never enable them to attain.

In view of the framing of a Constitution, the defects of the American system were fully considered. Though the wisdom of the men who framed that constitution had been attested by its success for three quarters of a century, it still embraced principles which rendered it unable to bear the strain of the crisis which lately arose, furnished a most instructive lesson at the present time. The admitted great defect of the Federal system of the United States is the weakness of the Executive, which compelled them in their day of trial to resort to the exercise of power unknown to the law, placing private and public liberty at the mercy of arbitrary authority.

There was a very general feeling in the Conference that a Legislative Union would confer the greater advantages on the General Confederation, as the Government, under such a system, would possess larger authority and more commanding influence. But many difficulties presented themselves which

deprived this view of this desired feasibility. The Lower Canadians would not consent to any plan which placed their peculiar institutions beyond their immediate control; while it was also felt that public opinion in the Lower Provinces was not ripe for the extreme change which the abrogation of their local legislatures would involve.

In the Resolutions adopted by the Conference to carry this Union into effect, care has been taken to avoid the causes of weakness disclosed in the working of the American Constitution. The General Government will be formed upon the principles of the present colonial systems, Executive Responsibility being maintained, while it will not, as in the United States, be dependent, either for its organization or authority, on the volition or act of any of the local Governments. The structure of these latter bodies is left in each case to the present local Legislatures to determine, and uniformity of plan not being necessary, they are severally left to frame such arrangements in this respect as the altered circumstances and the peculiar condition of each Province may seem to render desirable. The powers of the General and Local Governments are defined so as to prevent any probable causes of conflict - all powers of a general nature being vested in the General Government, and local questions being reserved for the subordinate bodies.

It was unanimously decided that the principle of Elective Councils should not be adopted in the new constitution,

and that the appointments should be for life, and should vest in the General Government. In the composition of this branch of the Legislature, the Lower Provinces have a larger representation than their due, if population alone were the governing consideration. For the purpose of this arrangement it was proposed at the early meetings at Prince Edward's [sic] Island and Halifax, that Upper and Lower Canada should each be made a section, and the Lower Provinces a third, with equal representation for each part. There was a difference of opinion as to whether Newfoundland was intended to be included in the number assigned to the Lower Provinces, but the Canadian Delegates, although maintaining that they had included Newfoundland in the arrangement, at length yielded the point, and four additional Members were added for this Colony. We may seem in this case to have received less than our relative right of representation, but so also would Upper Canada and Nova Scotia stand if the question were regarded with numerical strictness. But it will easily be understood that unless such a large project as the Union of the Provinces, with the various and diverse interests it involves, were met in a spirit of fair compromise, no satisfactory general result could be arrived at, and in this instance the Delegates representing Upper Canada, Nova Scotia and Newfoundland made a concession of extreme rights to the other Provinces, although in relation to the whole number, this Colony has a larger share than would be assignable by this rule.

The principle of population alone governs the composition of the Lower House, which is to consist of 196 members, eight being awarded as the portion of this Colony. It will be seen that this number would give us a full representation in the popular Branch, which is the influential and virtually governing Body in all Governments where the principles of Responsible Government prevail.

The General Government is to assume the public debts of the several Provinces on the equitable plan by which no one Province will be charged with more than its own obligations on this account.

The surrender of the Customs' Revenues to the General Government embraces the condition that subsidies shall be made to the several Provinces for the support of their Local Institutions. In none of the Provinces is direct taxation held in favour, though in all but this Colony it prevails to a certain extent. We feel, however, that in this respect we could not consent to disturb our exceptional position, though a difficulty arose because of the insufficiency for our requirements of the pro rata amount of subsidy that was sufficient for the wants of the other Provinces. It was, however, agreed on to avoid the necessity of resorting to direct taxation to meet the deficiency of means in our case, that Newfoundland should receive a special subsidy of one hundred and fifty thousands dollars per annum, in consideration of the transfer to the General Government of the control of our ungranted and unoccupied Crown Lands and Minerals, and this arrangement places the

question of our means on a satisfactory footing.

The full and explicit character of the Report of the Conference which we beg to annex, renders it unnecessary for us to go further into detail on this important subject, which occupied the time of the Delegates for ten hours daily from the 10th to the 27th October, when our labours were brought to a termination and the Report was unanimously agreed to.

Men of all parties were present at the Conference from the various British North American Provinces, but the influence of local differences found no place in the deliberations. We feel warranted in asserting our belief that no inquiry was ever conducted under a higher sense of the responsibility of the occasion, or with a more single desire to arrive at the best results for the great interests at stake. While it would be impossible to suppose that the Report embodies every individual view of the Delegates or all the points it embraces, as a whole it was unreservedly adopted. It is the emanation of the best judgement of the Conference unbiassed by a wish for the undue advancement of party or sectional interests, and the spirit of calm discussion which pervaded the whole enquiry, of which this Report with the full conviction that the welfare of the Colony will be promoted by entering the Union it proposes, and that we cannot reject it without aggravating the injurious consequences of our present isolation.

We beg to annex a statement shewing the amount and particulars of the charges from which this Colony would be

relieved under the Confederation, and the amount that would be available for the purposes of the Local Government.

We have the honor to be,

Sir,

Your most obedient Servants,

F.B.T. Carter,

A. Shea.

NEWFOUNDLAND

Charges payable by the General Government.

Governor and Secretary	£ 2,280
Receiver General	500
Customs' Department	7,625
Surveyor General	400
Engineer	150
Three Judges	1,548
Interest on Debt	10,210
Postal Steam Service	5,150
Protection of the Fisheries	600
Post Office	3,281
	<u>£ 32,744</u>

Assets applicable to the purposes of the Local Government

Interest on \$25 per head on 130,000 inhabitants, \$3,250,000, at 5 per centum	\$162,500
80 cents per head on 130,000	104,000
Grant for Surrender of Crown Lands	<u>150,000</u>
	\$416,500
Less interest payable on Public Debt, £ 10,210 Sterling	<u>47,124</u>
	<u>\$369,376</u>

January, 1865.

APPENDIX B

MINUTES OF CONFERENCE BETWEEN THE COMMITTEE
OF THE PRIVY COUNCIL OF CANADA AND THE DELEGATES
FROM THE COLONY OF NEWFOUNDLAND, ON THE SUBJECT
OF A UNION OF THAT PROVINCE WITH THE DOMINION OF
CANADA¹

1. Resolved, - That it is expedient to provide that Canada shall be liable for the debts and liabilities of Newfoundland existing at the time of the Union.

2. Resolved, - For the purpose of placing the interest on the public debt of Newfoundland on the same footing as that of the other provinces, Canada will, on the request of the Lieutenant Governor and Council of Newfoundland, make arrangements to substitute, in lieu of the existing securities which now represent the public debt of Newfoundland, the Bonds or Stock, either of the late Province of Canada, or of the Provinces of New Brunswick or Nova Scotia, issued before the 1st July, 1867: and will further endeavour to provide that the securities of Newfoundland shall be placed on the same footing as those of the other Provinces, as investments in which the Sinking Funds of any portion of the Debts for which Canada is now responsible, may be made.

3. Resolved, - Newfoundland not having incurred debts equal to those of the other Provinces now constituting the

¹Journal Legislative Council of Newfoundland, 1870,
App. No. 21, pp. 190-195.

Dominion, shall be entitled to receive, by half-yearly payments in advance from the General Government, interest at the rate of 5 per cent per annum on the difference between the actual amount of its indebtedness and the indebtedness per head of the population of Nova Scotia and New Brunswick; the population of Newfoundland being estimated at 130,000.

4. Resolved, - In consideration of the transfer to the general Parliament of the powers of taxation, the following sums shall be paid yearly by Canada to Newfoundland, for the support of its Government and Legislature, to wit: - \$35,000, and an annual grant equal to 80 cents per head of the aforesaid population, both half-yearly in advance.

Such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shewn by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall hereafter remain; it being understood that the first census shall be taken in the year 1871.

5. Resolved, - In consideration of the transfer to the General Government by Newfoundland of the now ungranted and unoccupied lands, mines, and minerals of the Colony, it is agreed that the sum of \$150,000 shall each year be paid to Newfoundland, by semi-annual payments in advance; and that Colony shall retain the right of opening, constructing and controlling roads and bridges throughout any of the said lands; and that the privilege heretofore enjoyed by the inhabitants

of Newfoundland of cutting (free of charge) wood on the ungranted lands of the Crown, shall continue to be exercised by them in like manner free of charge, but the aforesaid reservation shall be subject to such regulations as may, from time to time, be passed by the Lieutenant Governor of Newfoundland, in Council, and which regulations shall be subject to the Governor-General in Council.

Such surrender shall also be subject to the reservations and provisos contained in the 17th and 18th Sections of the Act of the Legislature of Newfoundland, 7 Vic., cap. 1, but these shall, in like manner, be at all times subject to approval as aforesaid.

6. Resolved, - It shall be optional, however, for Newfoundland, before entering the Union, to reserve to itself all the lands and rights conveyed to the General Government by the last preceding clause, and in that case Canada shall be relieved of the payment of the aforesaid sum of \$150,000 per annum.

7. Resolved, - The encouragement, benefits and protection accorded by the Dominion to fisheries in other parts thereof shall be extended to the fisheries of Newfoundland, and, unless Parliament shall make other provisions, the provisions of the Act of the Legislature of Newfoundland, 31 Vic., cap. 1, sec. 3, shall remain in force.

8. Resolved, - In addition to the present local water rates and assessments in the town of St. John's, the water dues

now payable by vessels entering that harbor, as well as the present duty on coal entering the said harbor, shall be available to Newfoundland, and be applied in reduction of the interest for which Newfoundland is now responsible in respect of its liability towards the General Water Company. Such duties on coal and water dues shall be subject to adjustment, from time to time, by the Legislature of Newfoundland. On an address of such Legislature to that effect, the Dominion Government will issue bonds bearing interest at 5 per cent per annum, maturing not less than 15 years from the dates thereof, to be delivered to the Government of Newfoundland for the purpose of funding the aforesaid liability to the said General Water Company. On a like address, the Dominion Government will also issue Bonds to fund the liability contracted in respect of the Harbor Grace Water Company, all such sums being charged to Newfoundland as a part of its debt.

9. Resolved, - The Dominion will provide an efficient Mail Service between the present Dominion, Newfoundland, and the United Kingdom, by steamers adapted and giving adequate facilities for the conveyance of passengers and cargo.

The obligations of Newfoundland with respect to the present Mail Service between Newfoundland and Halifax, will be undertaken by the Government of the Dominion; and on expiry of existing arrangements, other provisions will be made for maintaining the service in a manner equally advantageous to Newfoundland.

Efficient coast Steam Service, including Labrador, in connection with the Post Office, will be established and maintained by the Government of the Dominion.

10. Resolved, - Canada will assume and defray the charges for the following services:-

a. - Salary of the Lieutenant Governor

b. - Salaries and Allowances of the Judges of the Superior Court, the Judges of District Courts, and the Labrador Judge and Bailiff

c. - The charges in respect of the Department of Customs

d. - Postal Department

e. - Protection of Fisheries

f. - Provision for Volunteer, Militia and Naval Brigade Force

g. - Light Houses, Shipwrecked Crews, Quarantine and Marine Hospitals

h. - The Surveyor General and his staff, (in case the lands shall be transferred.)

i. - The Geological Survey

j. - The Penitentiary

And such further charges as may be incident to and connected with the services which, by the British North American Act, 1867, appertain to the General Government, and as are or may be allowed to the other Provinces.

11. Resolved, - No exceptional tax shall be imposed on any of the exports of Newfoundland.

12. Resolved, - Newfoundland shall, in case the Union take place previous to the next census, in the year 1871, be entitled to be represented by eight members in the House of Commons, and thereafter the representation shall be subject to the provisions of the British North American Act, 1867.

13. Resolved, - The Union shall take effect on such day as Her Majesty, by order in Council, on an address to that effect, in terms of the 46th Section of the British North American Act, 1867, may direct, and Newfoundland may; in such address, specify the divisions, if any, for which any of four Senators, to whom that Colony is entitled, shall be named; the Electoral Districts for which, and the time within which, the first election for members to serve in the House of Commons in Canada, shall take place.

14. Resolved, - The Constitution of the Executive authority and of the Legislature of Newfoundland, shall, subject to the provisions of the said Act, continue as they did exist at the Union until altered under the authority thereof.

15. -Resolved, - The provisions in the aforesaid British North American Act, 1867, shall - except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to, and only affect, one and not the whole of the Provinces now composing the Dominion, and except as far as the same may be varied by the resolutions - be applicable to Newfoundland, in the same way, and to the like

extent, as they apply to the other Provinces of the Dominion, and as if the Colony of Newfoundland had been one of the Provinces originally united by the Said Act.

The foregoing resolutions were agreed to as the basis of the Union to be submitted for the approval of the Parliament of the Dominion, and to the Legislature of Newfoundland, after a general election.

With reference to the subject of Export Duties and Defences, the following minutes were also agreed to:-

a. - With reference to the 7th resolution of the Legislature of Newfoundland, by which it is asked that "No tax shall be imposed on the exports of this Colony unless a similar tax be levied on all the staple products of the other Provinces of the Dominion; "it is understood that the general imposition of Export duties on the staple products of any Province is contrary to the policy of the Government of Canada, and a contingency not to be contemplated; but it is agreed that taxation, in whatever form it may be found necessary hereafter to impose it, shall be so adjusted as to bear equally on all the Provinces, and that no scheme would be proposed which might in its effect operate with undue pressure on oil, fish, or any other staple exports of Newfoundland.

b. - Encouragement will be given for the establishment of a Naval Reserve Force, and for giving efficiency to the Volunteer Militia organization in Newfoundland, and that any modifications which may be needed, will be made in the Militia

Law of Canada to adapt its provisions to the circumstances of the inhabitants of Newfoundland.

c. - The influence of the Dominion Government will be used to the fullest extent to procure the continued maintenance of a Garrison of Her Majesty's Forces at St. John's.

APPENDIX C

NEWFOUNDLAND GOVERNMENT'S PROPOSED
TERMS OF UNION WITH CANADA
1869¹

PREAMBLE

Whereas by the Imperial Act 30th and 31st Victoria, Chapter 3, entitled "An Act for the Union of Canada, Nova Scotia and New Brunswick, and for purposes connected therewith, provision is made for the admission of this Colony into the Union: it is therefore

1. - Resolved, - that it is expedient that this Colony should enter into the said Union as part of the Dominion of Canada, if an arrangement can be effected therefor [sic], on fair and equitable terms.

It is the opinion of this Committee that in accordance with the general provisions of the Quebec Resolutions of 1864, and the said Act, as well as in addition to the same and in modification thereof, the terms hereinafter specified would as regards this Colony, form a just basis for arrangement.

EXPENSES PAID BY CANADA

2. - The charges of the Several Officers, Departments, and Services enumerated in Schedule A shall be annually defrayed by the Government of the Dominion, together with the just claims

¹Journal House of Assembly of Newfoundland, March 5, 1869, pp. 33-36.

of this Colony for other charges and concessions of like character with those borne or made by the Dominion with reference to the other Provinces.

PUBLIC DEBT

3. - The Public Debt and Liabilities of this Colony shall be assumed by the Dominion Government, and shall be chargeable as those of the other Provinces of the Dominion.

SUBSIDIES

4. - There shall be annually allowed by the said Government, to the Government of this Colony, for the support of Local Institutions, -

1. - The sum of Eighty cents per head on the present population, and to increase with the population, up to the number provided for the Provinces of Nova Scotia and New Brunswick. 2. The interest of five per cent on the difference between the actual amount of the Debt of this Colony at the time of the Union and the average amount of indebtedness, per head of the population of Canada, Nova Scotia, and New Brunswick. 3. The annual subsidy to which this Colony would be entitled by 118th Section of the said Act; and, 4th, the sum of \$175,000, in consideration of the transfer to the General Government of the ungranted and unoccupied Lands, Mines and Minerals, of the Colony.

RESERVED RIGHTS, &c.

5. - The transfer mentioned in the foregoing Resolutions

is subject to the proviso that there be reserved to the Colony the right of opening, constructing, and controlling Roads and Bridges through any of the said Lands; and the privilege, heretofore exercised by the people, of cutting wood on ungranted Lands; and subject further to the reservations and provisos contained in the seventh and eighth Sections of the Local Act 7th Victoria, Chapter 1.

6. - The preferable claims of Fisherman and Current Suppliers, by the present Insolvency Law of this Colony, shall be maintained, unless hereafter altered by Local enactment.

EXEMPTION FROM EXPORT TAX

7. - No tax shall be imposed on the Exports of this Colony unless a similar tax be levied on all the stable products of the other Provinces of the Dominion.

LOCAL DEFENCE

8. - From the condition of the people scattered along the coast, and their avocations in the Fisheries requiring their absence from home during a great part of the year, it is the opinion of this Committee that a Militia Service would be unsuited to their circumstances; but it is believed that an efficient Naval Research Force may be established on a satisfactory basis, and an increase in numbers and greater efficiency given to the present Volunteer organizations. In the isolated and undefended position of this Island, the maintenance of a Garrison force in St. John's, as at present, is indispensable.

FISHERIES

9. - As the Dominion Government has, by the said Act, control over sea-coast and inland Fisheries, and as the present staple industry of this Colony is its Fisheries and their encouragement would be mutually advantageous; and as certain branches thereof, particularly the Herring and Salmon Fisheries, require encouragement and improvement to increase their industrial and commercial value, their prosecution should be stimulated by special subsidy from the General Government. In any Customs Act of the Dominion, Importers of Dried Fish shall be subject to the Provisions contained in the third Section of the Act of this Colony, 31st Victoria, Cap. 1.

WATER COMPANIES' STOCK

10. - As the right of the Colony to impose a tax on coal, as at present, for the purposes of the General Water Company, will cease after the Union of this Colony with Canada, the Dominion Government shall relieve the Company of its liability for the payment of the interest on the Stock of the said Company to the extent of \$200,000.

STEAM COMMUNICATION

11. - There shall be provided by the General Government an efficient Mail Steam Service between the United Kingdom, this Colony and Canada, a line of Steam Boats for cargo and passengers between Montreal and St. John's during the season

of navigation; the obligations of the Colony in respect of the present Mail Service with Halifax shall be undertaken by the Government of the Dominion, and Winter Steam Communication with Halifax shall be always maintained. There shall be an efficient Coastal Steam Service, including the Labrador, in connection with the Post Office, maintained by the Government of the Dominion.

APPEAL TO THE PEOPLE

12. - That no final arrangement shall be made for the admission of this Colony into the Union until an appeal be made to the People at the next General Election.

Passed the House of Assembly 5th March, 1869.

Passed the Legislative Council 16th March, 1869.

SCHEDULE A:

Charges to be borne by Dominion Government

Governor and Secretary	\$10,524	
Keeper of Lodge	277	
Fuel and Light, Government House	<u>924</u>	\$11,725
Customs' Department		36,127.69
Surveyor General and Staff		3,064.15
Three Judges Supreme Court		9,923.08
Curcit of Judges		3,400
Labrador Judge and Bailiff		1,130
Judges of District Courts		
Postal Department (net amount)		8,645
Interest on Debt		56,578
Coastal Steam Service		25,662
Protection of Fisheries		2,600
Volunteer Force		1,200
Halifax Mail Service		21,600
Geological Survey		2,500
Light-Houses		22,000
		\$206,154.92

ASSETS APPLICABLE TO PURPOSES OF LOCAL
GOVERNMENT

Interest on \$25 per head for 130,000 inhabitants, \$3,000,250 at 5 per cent	\$162,500	
Less interest on Public Debt	<u>56,578</u>	\$105,922
80 cents per head on 130,000 subject to Census		104,000
Grant for surrender of Crown Lands		175,000
Grant for additional subsidy, subject to arrangement		24,000
		\$408,922

SCHEDULE B:¹

Plan of Local Expenditure under Confederation applicable to the new Constitution under which it is proposed that the Legislative Council shall be abolished, and the Assembly reduced to 15 Members.

	<u>Present Charges</u>	<u>Proposed Charges</u>
Colonial Secretary	\$2,307.00	\$2,000.00
First Clerk	924.00	924.00
Second Clerk	462.00	462.00
Treasurer	2,307.00	1,800.00
Clerk	924.00	942.00
Finance Office	1,846.00	
Board of Works	4,318.00	3,741.00
Colonial Building	1,500.00	1,277.00
Attorney General	2,307.00	2,000.00
Sheriff, Central District	1,384.62	1,384.00
Sheriff, North District	1,384.62	1,384.00
Sheriff, South District	923.00	923.00
Bailiff, Central	231.00	231.00
Chief Clerk and Registrar	1,616.00	1,616.00
Ditto, North	924.00	924.00
Clerk in Registrar's Office	370.00	370.00
Stationery	93.00	93.00
Crier	277.00	277.00

¹ Newfoundlander, February 26, 1869.

	<u>Present Charges</u>	<u>Proposed Charges</u>
Crown Prosecutions	\$1,400.00	\$1,400.00
Coroners	700.00	700.00
Repairs to Public Buildings	2,730.00	2,150.00
Police Department	35,251.00	32,250.00
Relief of Poor (Poor and Lunatic Asylums included)	90,093.00	90,093.00
Education	65,462.00	65,462.00
Fog guns	629.28	629.28
Pensions	8,789.68	8,789.68
Legislative Contingencies	27,000.00	10,000.00
Ferries	1,728.00	1,728.00
Printing and Stationery	4,600.00	3,000.00
Postage	400.00	400.00
Insurance on Public Buildings	1,384.00	800.00
Unforeseen Contingencies	2,307.00	2,000.00
Gas Companies	1,389.00	1,389.00
Factory	461.54	461.54
Orphan Asylum School	230.77	230.77
Pension of P. Burke	47.00	47.00
Half-way House	162.00	162.00
Town Clock	69.23	69.23
Inspector of Weights and Measures	93.00	93.00
Almanach	116.00	116.00
Night Police	512.00	512.00

	<u>Present Charges</u>	<u>Proposed Charges</u>
Agriculture Societies	\$ 1,615.38	\$ 1,615.38
Shipwrecked Crews	920.00	920.00
Dorcas Societies	461.54	461.54
	<hr/>	<hr/>
	\$272,649.66	\$245,810.66

The salaries above stated are intended for present incumbents. Many of them may be modified and reduced or abolished, as the offices become vacant.

To meet the above charges a sum of four hundred and eight thousand dollars will be available, thus leaving a balance of over \$160,000 annually at the disposal of the Government for the Road Service and other Public Improvements.

APPENDIX D

EXECUTIVE COUNCILS OF NEWFOUNDLAND, 1865-1874¹
 CARTER'S FIRST MINISTRY, 1865-1870

<u>Member</u>	<u>Date of Appointment</u>	<u>Post</u>
Lawrence O'Brien	March 5, 1861	President of Legislative Council
F.B.T. Carter	April 15, 1865	Attorney General
Robert Carter	March 5, 1861	
Nicholas Stabb	March 5, 1861	Director of Savings Bank
John Bemister	March 5, 1861	Colonial Secretary
Ambrose Shea	April 22, 1865	Director of Savings Bank
John Kent	April 22, 1865	Receiver General
John Hayward	January 26, 1866	Solicitor General

¹Blue Books, 1865-1874, p. 72.

BENNETT'S MINISTRY, 1870 - 1874

<u>Member</u>	<u>Date of Appointment</u>	<u>Post</u>
Charles Fox Bennett	February 14, 1870	Director Savings Bank
Robert Alsop ¹ ✓	February 14, 1870	Colonial Secretary
Thomas Glen ✓	February 14, 1870	Receiver General
Joseph I. Little ×	February 14, 1870	Attorney General
Henry Renouf	February 14, 1870	Surveyor General
James S. Clift .	February 14, 1870	Director Savings Bank
Thomas Talbot ✓	February 14, 1870	Director Savings Bank

¹James L. Noonan replaced Robert Alsop, May 1, 1871.

CARTER'S SECOND MINISTRY 1874 -

<u>Member</u>	<u>Date of Appointment</u>	<u>Post</u>
F.B.T. Carter	January 31, 1874	Attorney General
James J. Rogerson	January 31, 1874	Receiver General
Edward D. Shea	January 31, 1874	Colonial Secretary
William V. Whiteway	January 31, 1874	Solicitor General
William J.S. Donnelly	January 31, 1874	
Stephen Rendell	January 31, 1874	

APPENDIX E

MEMBERS OF THE HOUSE OF ASSEMBLY¹

1865

<u>District</u>	<u>Member</u>	<u>Party</u>
St. John's East	John Kent	Coalition, Confederate
	Robert J. Parsons	Opposition, Anti-Confederate
	John Kavanagh	Coalition, Confederate
St. John's West	John Casey	Coalition, Confederate
	Thomas Talbot	Opposition, Anti-Confederate
	Henry Renouf	Opposition, Anti-Confederate
Harbor Main	George J. Hogsett	Opposition, Anti-Confederate
	Charles Furey	Opposition, Anti-Confederate
Harbor Grace	John Hayward	Coalition, Anti-Confederate
	William S. Green	Coalition, Confederate
Brigus and Port de Grave	John Leamon	Coalition
Bay de Verds	John Bemister	Coalition, Confederate
Carbonear	John Rorke	Coalition, Confederate
Trinity Bay	Stephen Rendell	Coalition, Confederate
	Frederick J. Wyatt	Coalition, Anti-Confederate
	Stephen March	Coalition, Anti-Confederate
Bonavista Bay	John Warren	Coalition, Confederate
	John T. Oakley	Coalition, Confederate
	John T. Burton	Coalition, Confederate
Twillingate and Pogo	William V. Whiteway	Coalition, Confederate
	Thomas Knight	Coalition, Confederate

¹Blue Books, 1865-1874, pp. 76-77.

<u>District</u>	<u>Member</u>	<u>Party</u>
Placentia and St. Mary's	Ambrose Shea	Coalition, Confederate
	Pierce M. Barron	Coalition, Confederate
	Thomas O'Rielly	Coalition, Confederate
Ferryland	Thomas Glen	Opposition, Anti-Confederate
	Michael Kearney	Opposition, Anti-Confederate
Burin	Edward Evans	Coalition, Confederate
	F.B.T. Carter	Coalition, Confederate
Fortune Bay	Thomas R. Bennett	Coalition, Anti-Confederate
Burgeo and La Poile	Daniel W. Prowse	Coalition, Confederate

N.B. Peter Brennan replaced John Casey in St. John's West on June 2, 1866. Brennan was an Opposition Anti-Confederate. Robert Alsop replaced Stephen March in Trinity Bay on October 29, 1866. Robert Alsop was a Coalition Anti-Confederate. Robert J. Pinsent replaced John Leamon in Brigus and Port de Grave on January 14, 1867. Pinsent was a Coalition Confederate. Joseph I. Little replaced Charles Furey in Harbor Main on November 28, 1867. Little was an Opposition Anti-Confederate. Joseph Godden replaced John Hayward in Harbor Grace on November 7, 1868. Godden was a Coalition Confederate.

1869

<u>District</u>	<u>Member</u>	<u>Party</u>
St. John's East	William P. Walsh	Anti-Confederate
	James A. Jordan	Anti-Confederate
	Robert J. Parsons	Anti-Confederate
St. John's West	Thomas Talbot	Anti-Confederate
	Henry Renouf ¹	Anti-Confederate
	Peter Brennan	Anti-Confederate
Harbor Main	Joseph I. Little	Anti-Confederate
	John Kennedy	Anti-Confederate
Harbor Grace	John Munn	Confederate
	William S. Green	Confederate
Brigus and Port de Grave	James B. Wood	Anti-Confederate
Bay de Verds	John Bemister	Confederate
Carbonear	John Rorke	Confederate
Trinity Bay	Stephen Rendell	Confederate
	Thomas H. Ridley	Confederate
	Robert Alsop	Anti-Confederate
Bonavista Bay	James L. Noonan	Anti-Confederate
	Francis Winton	Anti-Confederate
	William M. Barnes	Anti-Confederate
Twillingate and Fogo	Smith McKay	Anti-Confederate
	Charles Duder	Anti-Confederate
Placentia and St. Mary's	Charles F. Bennett	Anti-Confederate
	Henry Renouf	Anti-Confederate
	Robert J. Parsons	Anti-Confederate
Ferryland	Thomas Glen	Anti-Confederate
	Thomas Battcock	Anti-Confederate
Burin	F.B.T. Carter	Confederate
	Edward Evans	Confederate

¹Henry Renouf was elected for two Districts.

<u>District</u>	<u>Member</u>	<u>Party</u>
Fortune Bay	Thomas R. Bennett	Anti-Confederate
Burgeo and La Poile	Prescott Emerson	Confederate

N.B. Lewis Tessier replaced Henry Renouf in St. John's West on March 31, 1870. Tessier was an Anti-Confederate. James J. Rogerson replaced John Bemister in Bay de Verde on April 5, 1870. Rogerson was a Confederate. John Warren replaced Robert Alsop in Trinity Bay on September 17, 1870. Warren was a Confederate. Maurice Fenelon replaced Thomas Talbot in St. John's West on January 16, 1871. Fenelon was an Anti-Confederate. Alexander Graham replaced Thomas Ridley in Trinity Bay on October 26, 1871. Graham was an Anti-Confederate.

1873

<u>District</u>	<u>Member</u>	<u>Party</u>
St. John's East	John J. Dearin	Bennettite
	Robert J. Parsons	Bennettite
	Robert J. Kent	Bennettite
St. John's West	Lewis Tessier	Bennettite
	Patrick J. Scott	Bennettite
	Maurice Fenelon	Bennettite
Harbor Main	Joseph I. Little	Bennettite
	Patrick Nolan	Bennettite
Harbor Grace	William Wood	Carterite ¹¹
	F.B.T. Carter ¹	Carterite
Brigus and Port de Grave	John Bartlett	Bennettite
	James J. Rogerson	Carterite
Carbonear	John Rorke	Carterite
Trinity Bay	John Steer	Carterite
	John Warren	Carterite
	William Whiteway	Carterite
Bonavista Bay	Charles Bowering	Carterite
	Alexander McNeilly	Carterite
	John Burton	Carterite
Twillingate and Fogo	Charles Duder ²	Bennettite
	F.B.T. Carter	Carterite
	Smith McKay	Bennettite
Placentia and St. Mary's	Henry Renouf	Bennettite
	James Collins	Bennettite
	Charles F. Bennett	Bennettite

¹Carter was elected in two Districts: Harbor Grace and Twillingate and Fogo.

²At the opening of the Legislature Charles Duder supported Carter.

<u>District</u>	<u>Member</u>	<u>Party</u>
Ferryland	Thomas Glen	Bennettite
	Richard Raftus	Bennettite
Burin	James ^{J.M.W.} S. Winter	Carterite
	Charles R. Ayre	Carterite
Fortune Bay	Thomas R. Bennett	Bennettite
Burgeo and La Poile	Prescott Emerson	Carterite

N.B. Ambrose Shea replaced F.B.T. Carter in Harbor Grace on January 12, 1874. Shea was a Carterite.

*17 Ben
12 Carter*

1874

<u>District</u>	<u>Member</u>	<u>Party</u>
St. John's East	Robert J. Kent Robert J. Parsons John J. Dearin	Bennettite Bennettite Bennettite
St. John's West	Lewis Tessier Maurice Fenelon Patrick J. Scott	Bennettite Bennettite Bennettite
Harbor Main	Joseph I. Little Patrick Nowlan	Bennettite Bennettite
Harbor Grace	Ambrose Shea Joseph Godden	Carterite Carterite
Brigus and Port de Grave	Nathaniel Rabbits	Carterite
Bay de Verds	James J. Rogersons	Carterite
Carbonear	John Rorke	Carterite
Trinity Bay	William V. Whiteway John Steer James H. Watson	Carterite Carterite Carterite
Bonavista Bay	John H. Warren Charles Bowering Alexander J.W. McNeilly	Carterite Carterite Carterite
Twillingate and Fogo	F.B.T. Carter Charles Duder William Kelligrew	Carterite Carterite Carterite
Placentia and St. Mary's	Charles F. Bennett James Collins Michael E. Dwyer	Bennettite Bennettite Bennettite
Ferryland	Richard Raftus James G. Conroy	Bennettite Bennettite
Burin	Charles R. Ayre James S. Winter	Carterite Carterite
Fortune Bay	Robert Alexander	Carterite
Burgeo and La Poile	Prescott Emerson	Carterite

APPENDIX F

REVENUE AND EXPENDITURE

<u>Year</u>	<u>Revenue</u> ¹	<u>Expenditure</u> ²	<u>Poor Relief</u> ³
1864	£ 125,158 19	£ 125,159 6 10	£ 15,123 4 3
1865	\$ 602,120.92	\$ 722,152.47	\$ 130,017.71
1866	712,390.19	671,144.63	83,721.68
1867	630,621.79	673,816.62	88,267.83
1868	860,834.62	832,507.82	100,398.84
1869	711,528.29	666,492.66	92,719.74
1870	879,790.54	709,652.77	90,712.60
1871	788,679.35	729,894.20	92,140.82
1872	851,242.85	831,163.54	98,466.65
1873	839,592.98	985,141.45	108,147.40
1874	891,042.24	954,826.09	115,427.22

¹Blue Books, 1864 - 1874, p. 26.

²Blue Books, 1864 - 1874, p. 27.

³Blue Books, 1864 - 1874, p. 32.

APPENDIX G

CENSUS OF NEWFOUNDLAND¹

<u>District</u>	<u>1857</u>	<u>1869</u>	<u>1874</u>	<u>Assembly Members</u>
St. John's East	17,352	17,204	17,811	3
St. John's West	13,124	11,646	12,763***	3
Harbor Main	5,386	6,542	7,174	2
Harbor Grace	10,067	12,740	13,055	2
Brigus and Port de Grave	6,489	7,532*	7,919	1
Bay de Verds	6,221	7,057	7,434	1
Carbonear	5,233	5,633	5,488	1
Trinity Bay	10,736	13,817	15,677	3
Bonavista Bay	8,850	11,560	13,008	3
Twillingate and Fogo	9,717	13,067	15,135	2
Placentia and St. Mary's	8,334	8,794	9,857	3
Ferryland	5,228	5,991	6,419	2
Burin	5,529	6,731	7,678**	2
Fortune Bay	3,493	5,233	5,788	1
Burgeo and La Poile	3,545	5,119	5,098	1
French Shore	3,334	5,387	8,654	0
Labrador	1,650	2,479	2,416	0
Total	124,288	146,536*	161,374	30

* When the Protestant and Roman Catholic totals for Brigus and Port de Grave are added, the overall total is 7,546.

** The total should be 146,534.

*** When the Protestant and Roman Catholic totals for St. John's West are added, the overall total is 12,744.

** When the Protestant and Roman Catholic totals for Burin are added, the overall total is 7,693.

¹Census returns for 1857 and 1869 are found in Journal House of Assembly of Newfoundland, 1870, App. pp. 672-675. Census returns for 1874 are found in Census & Return of the Population, & c., of Newfoundland & Labrador, 1874, at the Newfoundland Archives.

RELIGIOUS DISTRIBUTION¹

<u>District</u>	1857		1869		1874	
	<u>R.C.</u>	<u>Prot.</u>	<u>R.C.</u>	<u>Prot.</u>	<u>R.C.</u>	<u>Prot.</u>
St. John's East	11,867	5,485	11,247	5,957	11,200	6,611
St. John's West	10,033	3,091	8,760	2,886	8,746	3,998
Harbor Main	4,153	1,233	4,982	1,560	5,361	1,813
Harbor Grace	3,390	6,677	4,153	8,587	4,013	9,042
Brigus and Port de Grave	1,637	4,852	1,910	5,636	2,002	5,917
Bay de Verds	1,583	4,638	1,731	5,326	1,775	5,659
Carbonear	2,582	2,651	2,368	3,265	2,189	3,299
Trinity Bay	1,253	9,483	1,384	12,433	1,583	14,094
Bonavista Bay	2,030	6,820	2,420	9,140	2,599	10,008
Twillingate and Fogo	1,442	8,275	1,961	11,106	1,956	13,179
Placentia and St. Mary's	7,156	1,178	7,390	1,404	8,254	1,603
Ferryland	5,093	135	5,817	174	6,246	173
Burin	2,354	3,175	2,546	4,185	2,689	5,004
Fortune Bay	647	2,846	1,290	3,943	1,387	4,401
Burgeo and La Poile	89	3,456	142	4,977	125	4,973
French Shore	1,586	1,748	2,466	2,921	3,716	4,938
Labrador	319	1,331	483	1,996	476	1,940
	57,214	65,743	61,050	85,496	64,317	97,057

¹Census Returns for 1857 and 1869 are found in Journal House of Assembly of Newfoundland, 1870, App. pp. 672-675. Census returns for 1874 are found in Census & Return of the Population & c. of Newfoundland and Labrador, 1874, at the Newfoundland Archives.

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- ii. Minute papers by the officials of the Colonial Office on these despatches.
- iii. Draft replies to the Governor's despatches.
- iv. Correspondence with other departments and officials of the British government arising from the Governor's despatches, including correspondence with the Admiralty, Board of Trade, Crown Agents for the Colonies, Foreign Office, Law Officers of the Crown, Treasury, and War Office.

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