

THE STRUGGLE FOR RESPONSIBLE GOVERNMENT  
IN NEWFOUNDLAND, 1846-1855

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THE STRUGGLE FOR RESPONSIBLE GOVERNMENT  
IN NEWFOUNDLAND, 1846-1855

by

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## ABSTRACT

Newfoundland Liberals, because they lacked dynamic leadership when the Whigs were granting responsible government to the neighbouring colonies, had to wait until 1855 for their share of power and patronage. The 1840's in Newfoundland were a period of political apathy. Under the amalgamated system Governor Harvey maintained harmony and weakened party ties by distributing patronage to both parties, a policy continued after the restoration of the bicameral system, by his successor, Sir Gaspard LeMarchant. Thus, until 1850, the Liberals were lulled into silence by the inducements of office, and political calm prevailed.

Eventually economic discontent gave rise to political excitement which, after 1850, centred around the question of responsible government. By 1852 the Liberals were threatening to cut off supply, and denominational strife was as bitter as it had been in the 1830's. The reason for this renewal of politics was the rise to prominence of Philip Francis Little, a young Roman Catholic lawyer who entered politics in 1850 to find a few straggling reformers dissatisfied with the exclusive control of the local Conservative oligarchy. Supported by Dr. Mullock, the outspoken Roman Catholic Bishop, Little quickly became the leader of a disciplined Liberal party, which refused

to settle for anything less than responsible government.

The population of the colony was almost equally divided into Protestants, who tended to support the Conservatives, and Roman Catholics, who supported the Liberals. Protestant Conservatives, fearing the loss of their privileged position and the establishment of a permanent Roman Catholic oligarchy, opposed responsible government. Roman Catholics, on the other hand, regarded it as a means of bettering their economic and social position. The Conservatives, exploiting the sectarian issue, depicted the question solely as the struggle of Roman Catholics for power and patronage, whereas the Liberals saw themselves as the champions of the working classes, regardless of denomination.

After the 1852 election, in which responsible government was the main issue, the Liberals held a majority of seats in the House of Assembly. In 1853 Little led a delegation to London, which persuaded the Colonial Secretary, against the advice of Governor Hamilton, to concede responsible government. Even then its introduction was delayed by the failure of the Liberal Assembly and the Conservative Council to agree on the fulfillment of certain preliminary conditions, by the Governor's refusal to mediate, and by the preoccupation of the British government with the Crimean situation. The House of Assembly found it necessary to stop the supplies and to send Mr. Little across the Atlantic a second and a third time before they secured the removal of the obstructive

Mr. Hamilton and his replacement by Charles Henry Darling, whose ability and tact made for a smooth transition to responsible government.

Finally, after a Liberal victory at the polls in May, 1855, P.F. Little formed the first responsible government, and a Roman Catholic administration took office.

## PREFACE

This thesis attempts to trace the growth of the struggle for responsible government in Newfoundland, and its final attainment. The subject is worthwhile, not only because of its importance in the history of Newfoundland, but also because the responsible government movement is one of the main themes of Canadian history. Although the struggle went on concurrently in all the other British North American colonies, Newfoundland lagged several years behind and, as a result, could benefit from the mistakes and successes of her neighbours. This thesis will add a necessary chapter to Newfoundland history; it will also help to complete the history of the responsible government movement in Canada.

My treatment of the subject is essentially political. So much research was involved in the political aspect that little attention has been given to social and economic developments of the period, except where they had a direct influence on the question of responsible government. Such an exception was the reciprocity issue.

Little research has been done specifically on this topic and almost nothing has been published. Gertrude Elizabeth Gunn's thesis (Ph.D. London, 1958) on the "Political

History of Newfoundland, 1832-1861" is not available. Because of the long period covered, however, I feel that her treatment of the responsible government question cannot be detailed.

Eighteen forty-six seemed a natural starting point, as the resolutions passed by the House of Assembly in February of that year marked the first formal statement by a Newfoundland body on responsible government. I have traced the growth of the movement until its culmination was reached, that is, the actual inauguration of party government in 1855. Only the immediate results of the transition have been considered.

I have written place names exactly as they appear in the original documents. Quotations, too, follow the original documents exactly in spelling, punctuation and capitalization. In general I have adhered to the style recommended in Scholarly Reporting in the Humanities, published by the Humanities Research Council of Canada (1958).

My materials consisted almost entirely of original sources, chiefly because there is no secondary authority on the subject. Standard Newfoundland histories pay scant attention to the issue of responsible government. Unfortunately there is a scarcity of private papers. In particular, it seems a pity that Bishop Mullock's papers are not available to the public, as they probably would shed valuable light on the role of the Roman Catholic church in the politics of the day. In the bibliography I have listed all secondary works used

in the preparation of the thesis, even though most are not referred to directly in the text or footnotes.

The research was financed by a grant from the Canada Council. My sincere thanks are due to Dr. G.O. Rothney, who suggested the topic and supervised all but the final stages of the work; to Dr. L. Harris, for his encouragement and suggestions for improvement; to the staff of the University Library, and the staff of the Gosling Memorial Library, for their help.

ABBREVIATIONS AND FOOTNOTE REFERENCES

C. or Cap.	Chapter
CHBE	Cambridge History of the British Empire
C.O.	Colonial Office
comp.	compiler
D.N.B.	Dictionary of National Biography
ed.	edition; editor
fig.	figure
<u>Ibid.</u> (Latin <u>Ibidem</u> )	in that same place
<u>loc. cit.</u> (Latin <u>loco citato</u> )	in the place cited
N.A.	Newfoundland Archives
n.d.	no date
<u>op. cit.</u> (Latin <u>opere citato</u> )	in the work cited
p. (plural pp.)	page
rev.	revised
s. or sec.	section
<u>sic</u> (Latin)	so; thus
<u>supra</u>	above
Vict.	Victoria
vol. (plural, vols.)	volume

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Chapter I

ORIGINS OF THE STRUGGLE  
FOR RESPONSIBLE GOVERNMENT

The roots of the struggle to gain responsible government in Newfoundland may be found in the conflict between the Council and the Assembly, which began soon after the introduction of representative government in 1832. This form consisted of an appointed Governor, a Council nominated by the Governor and appointed by the Crown, and the element of representation, the House of Assembly, elected by the "householders" of the several districts. The Council was at once the upper house of the legislature and the executive council of the Governor. In the 1830's qualifications for admission seem to have included Anglicanism and conservatism.<sup>1</sup> This system permitted a small clique of officials and merchants to control in effect the Governor, the administration, and the patronage. However, in Newfoundland, where the property qualification for electors was low and male suffrage almost universal, the Assembly was a thoroughly popular body in which the spirit of reform made itself manifest. To be sure the power of this Assembly was sufficiently checked by the Governor and the Council, but even so it was a breeding place for the germs of discontent which developed out of local problems and led to the granting of responsible government in 1855.

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<sup>1</sup>Leslie Harris, "The First Nine Years of Representative Government in Newfoundland". (unpublished M.A. thesis, Memorial University of Newfoundland, 1958), pp. 46, 57 and 122.

The population of Newfoundland consisted basically of two groups whose interests clashed; on the one hand poor fishermen, on the other hand well-to-do merchants and officials. This division in the population as a whole was reflected in the division between the House of Assembly and the Council. Although the first Assembly (1833-1836) acted moderately, party lines were soon drawn according to religious and economic differences. The Liberals, most of whom were Roman Catholics, began, under the leadership of Dr. William Carson, to question the control of the government by the official and merchant classes of St. John's and to demand a share of the power and patronage in proportion to their numbers. The early clashes between the Council and the Assembly were on the question of finance, with the Assembly vigorously disputing the right of the Council to amend money bills.<sup>1</sup>

The quarrel was taken up by the press, the Conservative Public Ledger accusing the Roman Catholic bishop and clergy of aspiring to power, and the Patriot reminding the Liberals that they were the largest part of the population and consequently deserved the largest representation in the House of Assembly and the Council. The Conservatives pictured the conflict as a quarrel between Protestants and Roman

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<sup>1</sup>M.O. Morgan, "Financial Affairs of the First Newfoundland Assembly", Newfoundland Quarterly, LIII (June, 1954), 12.

Catholics; the Liberals described it as an economic struggle between merchants and fishermen. It was not entirely a case of Protestant against Catholic, for Carson, though supported by the Roman Catholic bishop, Dr. Michael Anthony Fleming, was a Protestant. Leslie Harris regards it as "the alignment of liberal sentiment, represented largely by Irish Catholics, and led by Carson and Dr. Fleming, against the mercantile and official group typified in the Council."<sup>1</sup>

The second Assembly, which unlike the first had a Roman Catholic majority, was by no means as moderate as its predecessor, and because Council and Assembly were unwilling to compromise, deadlock occurred in 1837 over the financial question. The Council insisted on amending the supply bill, and the Assembly refused to accept the amendments. Of thirty-two bills presented to the Council during the session only ten received approval.

In the next session the argument over the functions of the Council, and in particular over its right to amend money bills, was resumed. When an appeal was made to the Colonial Office, Lord Glenelg<sup>2</sup> upheld in principle the

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<sup>1</sup>Harris, *op. cit.*, p. 88.

<sup>2</sup>Grant, Charles, Baron Glenelg (1778-1866), Secretary of State for War and the Colonies, April, 1835, to February, 1839, in Lord Melbourne's second ministry (D.N.B., VIII, 380-381).

Council's stand.<sup>1</sup> The Liberals gave up hope of gaining financial control through the Assembly and agitated for membership in a separate Executive Council. Lord John Russell<sup>2</sup> replied that in his opinion separate councils would not be a permanent solution.<sup>3</sup> Some action by the British government, however, was soon required, for Governor Prescott,<sup>4</sup> fearing violence, refused to issue writs for a new general election, and the Newfoundland constitution was suspended in 1841. Eventually the Colonial Office decided to "amalgamate" the House of Assembly and the Legislative Council in one chamber, and to create a separate Executive Council. Under the new constitution the power of initiating all money bills was reserved to the Crown.<sup>5</sup>

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<sup>1</sup>Newfoundland Archives, G1, 9(a), Despatches from C.O., 1838, Glenelg to Prescott, February 1, 1838.

<sup>2</sup>Russell, Lord John, first Earl Russell (1792-1878), Secretary of State for War and the Colonies in Melbourne ministry, 1839-1841; Prime Minister and First Lord of the Treasury, 1846-1852; Foreign Secretary in Aberdeen coalition ministry, November, 1852, to February, 1853; President of the Council, June, 1854, to January, 1855; British plenipotentiary to Vienna congress in the spring of 1855; Colonial Secretary in Palmerston ministry, February to July, 1855 (D.N.B., XVII, 454-461).

<sup>3</sup>N.A., G1, 10, Despatches from C.O., 1841, Russell to Prescott, March 31, 1841.

<sup>4</sup>Prescott, Sir Henry (1783-1874), Admiral, Governor of Newfoundland, 1834-1841 (D.N.B., XVI, 303). See Appendix B, p. 234.

<sup>5</sup>Newfoundland, Journal of the Assembly, 1843, pp. iv-vi, an act for amending the Constitution of the Government of Newfoundland, 5-6 Vict. c. 70, August 12, 1842.

Thus the elected Assembly had fought in vain for financial control. The loss of this struggle forecast the responsible government movement; for, obviously, if the power of the purse was to rest with the Crown, that is, with the executive, it would be desirable to have a ministry responsible to the majority in the House of Assembly. But, although the Liberals had acted in concert in the 1830's, there had never been an actual demand for that system despite the fact that newspapers from the neighbouring colonies kept both Liberals and Conservatives informed of the responsible government issue in the Canadas and Nova Scotia. Understandably, reformers in Newfoundland, where representative government had been introduced as late as 1832, lagged several years behind such men as Baldwin and Howe, and though Liberals in the Assembly spoke in support of responsible government,<sup>1</sup> until 1846 they did not record their views in any formal resolution.

On December 31, 1839, Governor Prescott had published Lord John Russell's despatch of October 16 on tenure of office in the colonies. Russell had stated that, thereafter, the tenure of colonial offices held during Her Majesty's pleasure would not be regarded as equivalent to a tenure during good behaviour. Indeed, officials might be

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<sup>1</sup>Patriot, January 11, 1840, proceedings of Assembly, January 3, 1840.

removed from their posts "as often as any sufficient motives of public policy may suggest the expediency of that measure."<sup>1</sup> In Nova Scotia, Joseph Howe's immediate reaction had been that this despatch "bestowed all that was required" for responsible government, even though this had not been Russell's purpose.<sup>2</sup> But the Liberal editor of the St. John's Patriot, R.J. Parsons, had realized at once that Russell's views were very far from coinciding with those entertained by colonial reformers.<sup>3</sup> Another Liberal, John Kent, had questioned Russell's sincerity and suspected that the despatch had been "intended as one of those beautiful abstractions, ...only to be materiel for the future historian... to weave the web of the colonial minister's fame".<sup>4</sup>

More important in its effect on Newfoundland was Sir John Harvey's<sup>5</sup> interpretation of Russell's 1839 despatch.

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<sup>1</sup>Royal Gazette, December 31, 1839, Russell to Prescott, circular despatch, October 16, 1839.

<sup>2</sup>Joseph Andrew Chisholm (ed.). The Speeches and Public Letters of Joseph Howe (Halifax: The Chronicle Publishing Company, 1909), I, 289, Howe's speech in Nova Scotia Assembly, February 3, 1840.

<sup>3</sup>Patriot, January 4, 1840.

<sup>4</sup>Ibid., January 11, 1840, proceedings of Assembly, January 3, 1840, Kent's speech.

<sup>5</sup>Harvey, Sir John (1778-1852), Lieutenant-Governor of Prince Edward Island, c. 1835-1837; of New Brunswick, 1837-1841; Governor of Newfoundland, 1841-1846; Lieutenant-Governor of Nova Scotia, 1846-1852 (Canadiana, v, 94). See Appendix B p. 234.

Harvey, who replaced Prescott in 1841, was in 1839 still Lieutenant-Governor of New Brunswick. In his famous Circular Memorandum addressed to the "Heads of the Civil Departments and Members of the Executive Council" of that colony he referred to Russell's statement "as conferring a new and... an improved Constitution upon these Colonies." The improvement, he explained, lay in the enlarged "powers of the Administrator of the Government." Responsible government to Harvey meant an Executive Council responsible to the Governor, rather than to the Assembly. In his view the 1839 despatch would serve to strengthen the hands of the Governor, for colonial offices, instead of being held either for life or during good behaviour, were now made entirely dependent on the will of Her Majesty's representative.<sup>1</sup>

Harvey, in 1841, brought to Newfoundland the benefit of his wide experience in the administration of colonial affairs. In New Brunswick he had carried out reforms and had established harmony between the Executive Council and the Assembly unparalleled at that time in the British American colonies. It was not domestic issues, but his part in the Maine boundary dispute which supplied the cause for his summary dismissal from the New Brunswick scene early in

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<sup>1</sup>C.O. 194/125, pp. 48-51, Harvey to Gladstone, February 17, 1846, enclosure.

1841.<sup>1</sup> He came to Newfoundland to calm the political storm which had resulted in the suspension of the constitution.

Harvey moved to establish his control over the Newfoundland Executive Council at their first meeting in 1843 by informing them of his views on legitimate responsible government. "Members of the Executive Council the Law Officers of the Crown and the Heads of the Public Departments," he said, owed "a direct responsibility not to any Representative Body, whether nominated by the Crown or elected by the People, but to the Representative of the Sovereign and through Him to the Crown itself." He intended to avoid the mistake of falling into the hands of any one party. Rather, he would seek the support of all.<sup>2</sup> The Executive Councillors, informed through the Circular Memorandum which he had addressed to the Executive Council of New Brunswick in 1839 that their tenure of office was dependent on the Governor, must have realized what dissent from his views would involve.

By the time Harvey left for Nova Scotia in 1846, Newfoundland seemed to be free from party quarrels and religious animosity. Undoubtedly, the Governor's experience

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<sup>1</sup>W.S. MacNutt, "New Brunswick's Age of Harmony: The Administration of Sir John Harvey," Canadian Historical Review, XXXII (June, 1951), p. 117.

<sup>2</sup>N.A. S4, 2, Minutes of the Executive Council, 1842-1855, pp. 17-18, January 11, 1843.

and liberal-mindedness, his geniality and tact were invaluable agencies in calming the unrest. Regarding as "one of the greatest safeguards of the British Constitution and the brightest Jewells [sic] of the Crown... its right to appoint to Offices of trust, Honor and emolument,"<sup>1</sup> he did not hesitate to use patronage to gain support from all parties. But Harvey was not solely responsible for the apparent harmony which prevailed during his stay in the colony. Under the amalgamated system the balance of power shifted to the Conservatives, and the Liberals lost their majority in the General Assembly. The Liberals looked upon the introduction of the amalgamated system as a backward step in colonial government, and knowing that the act which had instituted the new system was to expire in 1846, they realized that if they did not act circumspectly the Imperial government might make the 1842 constitution permanent, or even revert to rule by Governor and Council. Moreover, Liberal leadership was not what it had been during the 1830's. William Carson died in 1843; the Roman Catholic bishop, Dr. Fleming, who was on good terms with Harvey, was older and less active than he had been in the 1830's; Patrick Morris, long a ranking Liberal, having succumbed to the enticements of office in 1840, was a member of both Councils under Harvey.

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<sup>1</sup>C.O. 194/125, p. 47, Harvey to Gladstone, February 17, 1846, enclosure, confidential memorandum.

Just as Francis Hincks and Joseph Howe<sup>1</sup> were won by Sydenham,<sup>2</sup> so was John Kent won by Harvey, who appointed him to the Legislative Council, thereby reducing his popular influence.

Harvey, like Sydenham and Metcalfe<sup>3</sup> in Canada, and Falkland<sup>4</sup> in Nova Scotia, though on a smaller scale, exploited the technique of coalition and concession to disarm the opposition of reformers, and even to secure their support. While both Councils were predominantly Conservative under Harvey, the Liberal leaders apparently had no scruples about joining them. Evidently, they believed that refusal to cooperate with the Governor would merely tend to throw him into the hands of the Tories.<sup>5</sup> Apart from thinking this a matter of good policy, Kent, at least, seems to have gotten along well with Harvey and to have been converted to the

<sup>1</sup>Chester Martin, Empire and Commonwealth (Oxford: The Clarendon Press, 1929), pp. 196-197.

<sup>2</sup>Thomson, Charles Edward Poulett, Baron Sydenham (1799-1841), Governor-General of Canada, 1839-1841 (D.N.B., XIX, 716).

<sup>3</sup>Metcalfe, Charles Theophilus, Baron Metcalfe (1785-1846), provisional Governor-General of India, 1835-1836; Governor of Jamaica, 1839-1842; Governor-General of Canada, 1843-1845 (D.N.B., XIII, 303).

<sup>4</sup>Cary, Lucius Bentinck, Viscount Falkland (1803-1884), Lieutenant-Governor of Nova Scotia, 1840-1846 (Canadiana, IV, 93).

<sup>5</sup>Howe Papers, M.G.24, B29, Vol. 1, pp. 193-196, John Kent to Joseph Howe, December 10, 1846. Photostatic copy. Original now in Public Archives of Canada.

Governor's views on colonial government. Kent, who had emerged as the leader of the Liberals, by 1846 believed with Harvey that coalitions were "absolutely necessary in the colonies... for the successful working of the principles of responsibility."<sup>1</sup> Indeed, on learning that Harvey, who had become Lieutenant-Governor of Nova Scotia in August, 1846, had failed in his attempts to form a coalition government there, Kent wrote to Joseph Howe vindicating his "good friend":

I should regret exceedingly if the success which attended the administration of Sir J<sup>ames</sup> Harvey in three Provinces were to meet a grave in Nova Scotia -- I hope the liberal party will give him a fair trial.... his attempts<sup>2</sup> to form a coalition were perfectly justifiable.

The contest for responsible government in Newfoundland may be said to have opened, before Harvey's departure, with the debates of the General Assembly in 1846. To the Liberals the time seemed particularly suitable, for the amalgamated system was due to end on September 1, 1846, upon the expiration of the Newfoundland Act of 1842, at which time the Imperial government would have to decide on a new constitution for the island. Now that religious discord had ceased and the old animosities had been forgotten, the Assembly could examine the causes of discontent under the

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<sup>1</sup>Ibid., p. 146, Kent to Howe, July 22, 1846.

<sup>2</sup>Ibid., pp. 193-194, Kent to Howe, December 10, 1846.

system which had functioned from 1832 to 1841, and recommend to the Colonial Office what new institutions should be introduced.

Apart from the question of a new constitution, John Kent's recent visit to Nova Scotia provided a stimulus for the February, 1846, debate on responsible government. In Nova Scotia Kent had met with reformers, among them Joseph Howe, from whom he had stolen the "promethean fire" of responsible government. Kent, apparently, was quite impressed by the reform movement in Nova Scotia, but realizing that it would be difficult to arouse interest in Newfoundland he wrote to Howe that it was very problematical whether he could animate "my man of clay".<sup>1</sup> In the Assembly he admitted that he had to deal, not only with the opposition of the Tories, but also with the apathy of the people.<sup>2</sup> It would seem that Newfoundlanders in general were well satisfied with the amalgamated system, though Robert John Parsons, more radical than Kent, argued that the existing system gave satisfaction only to those who had profited from it.<sup>3</sup> It is likely that Parsons, who kept alive the issue, both in the

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<sup>1</sup>Ibid., pp. 143-146, Kent to Howe, July 22, 1846.

<sup>2</sup>Newfoundlander, February 16, 1846, proceedings of Assembly, February 10, 1846, Kent's speech.

<sup>3</sup>Ibid., January 19, 1846, proceedings of Assembly, January 12, 1846, Parsons' speech.

Assembly and in his vigorous paper, the Patriot, urged Kent to make a pronouncement in favour of responsible government. But whether he referred to Parsons or not, Kent complained to Howe in December, 1846, of the "unreasoning prejudice of some of those who call themselves political friends, against any support that a public man may give to a Governor -- analyse the motive of this opposition and you generally find it largely mixed with jealousy and envy".<sup>1</sup>

It would seem that Kent's conception of responsible government was quite different from that of Robert Baldwin and Howe. He lamented the Assembly's lack of power to move the executive and insisted that some method was necessary by which the elected representatives might exercise control over the executive with respect to public appointments.<sup>2</sup> Still, he did not believe this should be achieved by party government. He wrote to Joseph Howe, "If anything be fatal to the applicability of the principles of responsibility to Colonial Governments, it will be the device, on the part of public men, too frequently to appeal to the Constituencies." Kent believed, not in votes of non-confidence and dissolutions, but

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<sup>1</sup>Howe Papers, M.B.24, B.29, Vol. 1, p. 196, Kent to Howe, December 10, 1846.

<sup>2</sup>Newfoundlander, February 9, 1846, proceedings of Assembly, February 6, 1846, Kent's speech.

in the operation of the "Quadrennial acts".<sup>1</sup> His ideas, obviously, were those of Governor Harvey. He sought a share of the patronage by courting the friendship of the Governor.

Kent's "responsible government" resolution, passed by the amalgamated House in 1846, was not original. It was substantially the same resolution which had been adopted by the Nova Scotia Assembly in 1844. Nova Scotia was already a "Normal School" for Newfoundland.<sup>2</sup> The most effective way to prevent mistakes, began Kent's resolution, "and the safest guide upon so important a subject, is strictly to follow the proceedings of the House of Assembly of Nova Scotia."<sup>3</sup>

Early in March, 1844, the Nova Scotian Reformers, shortly after the resignation of Howe, J.B. Uniacke and James McNab from Lord Falkland's coalition government, had moved to secure a working definition of their constitution. A "Committee on the General State of the Province" had come to a resolution defining the principles which should underly the administration of government in the North American Colonies. These principles had been based upon three statements well-known at the time: first, the Harrison resolutions adopted by the Canadian

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<sup>1</sup>Howe Papers, M.G.24, B.29, Vol. 1, pp. 194-195, Kent to Howe, December 10, 1846.

<sup>2</sup>Howe Papers, Private Letter Book, Howe to Buller, February 12, 1848, cited by W.R. Livingston, "The First Responsible Party Government in British North America," Canadian Historical Review, VII (June, 1926), 135.

<sup>3</sup>Newfoundland, Journal of the Assembly, February 16, 1846 (4th sess. of 3rd G.A.), p. 50, Kent's resolution.

Assembly on September 3, 1841, which defined the system of Lord Sydenham; second, the "Doddean Declaration" passed in their own Assembly on March 14, 1842, which defined the kind of responsibility existing under Falkland's coalition; and third, a part of Lord Metcalfe's reply to the councillors of the district of Gore. After the committee had reported back to the House and the resolution had been moved and seconded, the Tories had put forward an amendment. It was this Tory amendment, rather than the original Liberal resolution, which had passed the Nova Scotia Assembly in 1844.

In the original resolution the Liberals of Nova Scotia had quoted inaccurately from Metcalfe's statement, selecting the part which would sanction the Liberal view of responsible government, and omitting the section which the Conservatives had later included in their amendment. In the section omitted by the Liberals, Metcalfe had rejected the idea of party government. This meant that the amended resolution had not affirmed the principles of responsibility as they had been understood by the Nova Scotian Reformers. Howe and his party had, therefore, voted against the amendment and had lost.<sup>1</sup>

That John Kent embodied this Tory statement of constitutional principles as "the safest guide" in his

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<sup>1</sup>Nova Scotia, Journal of the Assembly, March 5, 1844, pp. 66-71. Typewritten copy. Original now in Nova Scotia Legislative Library.

"responsible government" resolution seems to indicate a lack of familiarity with the system advocated by Joseph Howe, and with the reform movement in Nova Scotia. If Kent had been a Conservative, there would have been no reason for him to bring up the subject at all. The most likely explanation is that Kent, while placing himself on the side of reform and eager to impress his new friends in Nova Scotia, really did not understand that the Nova Scotian Reformers had advanced to the stage where nothing less than full party government would satisfy them, a determination which had led to their resignation from Falkland's coalition government in December, 1843. While Kent still believed in 1846 that coalitions were "absolutely necessary in the colonies", Howe replied that in Nova Scotia not a single Liberal would join a coalition. "The time", he wrote, "for seduction, intrigue, and splitting of parties... has gone by in Nova Scotia".<sup>1</sup>

Writing to Howe in December, 1846, Kent attempted to justify his views:

I always felt it would be playing the game of the enemy if the influential men, on what was termed the liberal side, seperated [sic] themselves from [the Governor]. With us the mercantile men and the Government employe's [sic] are all tories--when we throw the Governor into their hands--even tho. we have a

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<sup>1</sup> Howe Papers, M.G.24, B.29, Vol. 6, p. 97, Howe to Kent, November 28, 1846.

majority in the Assembly, that party becomes too strong for us.<sup>1</sup>

The Newfoundland Liberal leader believed that "responsible government" had been working successfully for years in Nova Scotia, New Brunswick and Canada. In moving the adoption of his resolution, he stated that Newfoundland sought only those moderate concessions which had already been yielded to the neighbouring colonies.<sup>2</sup>

On the other hand, the Conservatives in the Amalgamated House, who opposed Kent's resolution, seemed to view responsible government as party government. Apparently, they voted against the resolution, which in fact rejected that system, merely because the Liberals voted for it. It seems clear that the Liberals in advocating responsible government had their eye on fat official salaries, which the Conservatives had no intention of relinquishing. They pointed out that whereas the Liberals used to ask for a share of the patronage, they now wanted all. It was the opinion of one Tory that John Kent found it difficult to define the principles of responsible government clearly himself, and hence he had based his resolution on statements which had been put forward in Canada and Nova Scotia. The

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<sup>1</sup>Ibid., Vol. 1, pp. 195-196, Kent to Howe, December 10, 1846.

<sup>2</sup>Newfoundlander, February 16, 1846, proceedings of Assembly, February 10, 1846, Kent's speech.

Conservatives realized that the resolution was self-contradictory, vague and ambiguous, "framed so... by able and skilful men, who were desirous of evading questions" they were unwilling to answer. Lord Metcalfe, they felt, could hardly be regarded as an authority to support the opinions of the Liberals in favour of party government, when he had said that those engaged in carrying on responsible government must be devoid of party spirit. Indeed, said Bryan Robinson, "it would puzzle anyone to comprehend... what Lord Metcalfe calls the true principles of Responsible Government".<sup>1</sup>

Although Governor Harvey assured Gladstone<sup>2</sup> that he regarded the resolution as "very unimportant", he hastily sent a copy to the Colonial Office. It had been adopted, he explained, by a majority of one, "accidentally obtained" through the absence of several government supporters. He felt that his lack of interference had enhanced his position in the colony. Harvey still held that the "absurd theory" of responsible government was "utterly inapplicable to the Administration of Colonial Affairs". Enclosed in his confidential despatch of February 17, 1846, to the Colonial Secretary were copies of his December, 1839, Circular Memo-

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<sup>1</sup> Ibid., proceedings of Assembly, February 12, 1846, Robinson's speech.

<sup>2</sup> Gladstone, William Ewart (1809-1898), Secretary of State for War and the Colonies in the Peel government, 1845-46 (D.N.B., XXII, 705). See Appendix A, p. 233.

randum, his first address to the Executive Council of Newfoundland in 1843, and a confidential memorandum listing his objections to responsible government. The Assembly's proceedings induced Harvey to suggest to the Colonial Secretary that the "usual form" of representative government, which he assumed would soon be restored to Newfoundland, should be restored on a temporary basis. He must have suspected that under the bicameral system clashes would again occur between the popular branch and the Council. But he hastened to assure Gladstone that, for the present, there was no widespread public opinion in favour of responsible government. Even Mr. Kent, he wrote, had remarked on the apathy of the people. Nor was there in the colony any animosity among adherents of the various denominations.<sup>1</sup>

The Colonial Office paid scant attention to the responsible government resolution. Gladstone merely replied to Harvey that, as no address to the Throne based upon them had been forthcoming, the subject would not be discussed.<sup>2</sup>

On Sir John Harvey's departure for Nova Scotia in August, 1846, Lieutenant-Colonel Law, the commandant of the military garrison in St. John's, became the Administrator and continued in control of the government until the arrival

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<sup>1</sup>C.O. 194/125, pp. 34-53, Harvey to Gladstone, confidential, February 17, 1846, and enclosures.

<sup>2</sup>N.A., G1, 16, Despatches from C.O., 1846, Gladstone to Harvey, May 18, 1846.

of the new Governor the following spring. During his term of office, Governor Harvey had managed to mellow the party bitterness and to hush the squabbling which had prevailed in the colony before he came. The immediate effect of the great fire which destroyed much of St. John's on June 9, 1846, including most of the public buildings and mercantile establishments, and rendered 12,000 people homeless, was to push political issues further into the background. The third General Assembly, the amalgamated House, was dissolved by Colonel Law on January 14, 1847. It was not until December, 1848, that the next legislature met, so that for almost two years the representative system was in abeyance.

During this interval the main concern of most of the people was to recover from the conflagration and other disasters (for example, the hurricane of September, 1846, the fishery failure, and damaged potato crops), and to get all they could from the Fire Relief Fund. The Relief Fund issue contributed more than anything else to the renewal of discontent. More than £100,000 had been accumulated from various sources, through Sir John Harvey's efforts, for the relief of fire victims. On the recommendation of Colonel Law and later of Sir Gaspard LeMarchant,<sup>1</sup> the Colonial Office decided that a large portion should be set aside for the erection of public buildings and the Anglican cathedral.

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<sup>1</sup>See Appendix B, p. 234.

The fire sufferers, most of whom appear to have been Roman Catholics, regarded the whole of the relief money as theirs by right.<sup>1</sup> Dissatisfaction with the distribution of the Fund increased after Governor LeMarchant's arrival in April, 1847, for he, like Law, felt that too much money had already been doled out, demoralizing the people, and causing more mischief than benefit.<sup>2</sup>

Economic discontent gave rise to political excitement as time progressed and no election was held. By the spring of 1848 the Liberals thought LeMarchant could not delay much longer. Besides keeping the Relief Fund issue alive, R.J. Parsons in the Patriot, disregarding the fact that the Governor's Royal Instructions had not arrived, complained that LeMarchant had taken upon himself the power of all branches of the government. He exhorted the people to demand their constitutional privileges.<sup>3</sup> At a public meeting held in St. John's on May 24, 1848,<sup>4</sup> it was resolved that a petition should be sent to the Queen praying for "a

<sup>1</sup>C.O. 194/127, p. 158, Law to Grey, April 20, 1847.

<sup>2</sup>C.O. 194/127, pp. 224-230, LeMarchant to Grey, May 10, 1847.

<sup>3</sup>Patriot, April 19, 1848.

<sup>4</sup>D.W. Prowse, A History of Newfoundland (London: Macmillan, 1895), p. 464, following Rev. Charles Pedley, The History of Newfoundland (London: Longman, Green, Longman, Roberts & Green, 1863), p. 425, erroneously states that this meeting took place in May, 1846.

form of Government based upon enlarged and fairly divided Representation -- with a departmental Government and Executive Responsibility similar... to that form lately yielded to... Nova Scotia."<sup>1</sup>

The question of responsible government had been raised briefly during the last session of the amalgamated legislature, in January, 1847, and had caused a split in the Liberal party. John Kent had introduced a motion embodying a set of moderate resolutions on the subject of the proposed new constitution. Without mentioning responsible government, these resolutions had asked for the return of the 1832 constitution with minor changes.<sup>2</sup> Parsons had felt that since the resolution of 1846 had already been recorded in the Journal of the House, it would be a retrogressive step not to include responsible government in the Assembly's suggestions for the new constitution. He himself, he declared, would be satisfied with nothing less than the responsibility of the Executive Council to the people.<sup>3</sup> The resolutions passed the Assembly without a division, but the disagreement between Parsons and Kent continued.

Both Kent and Parsons addressed the May 24, 1848,

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<sup>1</sup>C.O. 194/129, p. 203, LeMarchant to Grey, June 8, 1848, enclosure.

<sup>2</sup>C.O. 194/127, pp. 36-37, Law to Grey, January 26, 1847, enclosure.

<sup>3</sup>Patriot, January 23, 1847.

meeting, and both admitted that a difference of opinion existed on the means of achieving responsible government.<sup>1</sup> Parsons, who wanted to make responsible government the main issue in the coming election, was willing to use any means available to hasten the introduction of that system. Kent, while confirming that responsible government was his object, did not approve of abusing the Governor, as Parsons had undoubtedly been doing in the Patriot.

To the 1848 petition from the citizens of St. John's, Grey<sup>2</sup> replied that he had not been able to advise Her Majesty to make any change in the institutions of Newfoundland, which appeared to him "well calculated to meet the wants of the present state of Society".<sup>3</sup> This, however, was not Lord Grey's first pronouncement with respect to responsible government in Newfoundland. In July, 1847, when the new constitution had not yet been put into effect, he had written to Elgin,<sup>4</sup> that the question of responsible government was

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<sup>1</sup>Ibid., May 31 and June 7, 1848.

<sup>2</sup>Grey, Sir Henry George, Viscount Howick, and afterwards third Earl Grey (1802-1894), Secretary of State for War and the Colonies in Lord John Russell's Administration, 1846-1852 (D.N.B., XXII, 786). See Appendix A, p. 233.

<sup>3</sup>N.A., G1, 19, Despatches from C.O., 1848, Grey to LeMarchant, July 6, 1848.

<sup>4</sup>Bruce, James, eighth Earl of Elgin and twelfth Earl of Kincardine (1811-1846), Governor of Jamaica, 1842-1846; Governor-General of Canada, 1846-1854 (D.N.B., III, 104-106).

likely to arise in Newfoundland, where the "state of Society" was "obviously unfit" for that system. He felt that the Jamaican system<sup>1</sup> would work better there.<sup>2</sup>

The new constitution had been framed by an Act of the Imperial Parliament passed on June 25, 1847, and carried into effect in the island by the Royal Instructions to Governor LeMarchant issued on July 19, 1848. It differed little from the constitution of 1832. The property qualification for members of the Assembly was raised, the required period of residence for electors and members was lengthened, money bills were to be initiated by the Crown, and all elections were to be simultaneous. These were all changes which had been introduced by the 1842 Act; the Act of 1847 merely made them permanent. There was again to be only one Council, acting in an executive and legislative capacity.<sup>3</sup> And the Tories, as before, controlled the Council.

The first general election under the new constitution was held on November 16, 1848. When the General Assembly was convened in December of that year, John Kent, the acknowledged

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<sup>1</sup>Governor, Council with legislative and advisory functions, and elected Assembly (CHBE, II, 710).

<sup>2</sup>The Elgin-Grey Papers, ed. Arthur G. Doughty (Ottawa: Public Archives of Canada, 1937), I, 56, Grey to Elgin, July 19, 1847.

<sup>3</sup>Newfoundland, Journal of the Assembly, 1848, no pagination, an Act to render permanent certain parts of the Act for amending the Constitution of the Government of Newfoundland, 10-11 Vict. c. 44, June 25, 1847; and the Royal Instructions to Sir Gaspard LeMarchant, July 19, 1848.

leader of the Liberals, was chosen Speaker by a unanimous decision.

A new tactic was now used by the Liberals. Acting on the assumption that responsible government was inevitable and merely a question of time, the House adopted a resolution declaring that all persons appointed to offices in Newfoundland "analogous to offices held by a political tenure in those Colonies where Responsible Government prevails, should be notified by the Executive at the time of their appointment, that their offices are to be held upon the like tenure, in the event of Responsible Government being acceded to this Colony".<sup>1</sup> As the advent of responsible government was inevitable, they thought, it was only a matter of prudent foresight to guard against inconveniences growing out of such a change, and to prevent claims to pensions, such as occupied so much time in Nova Scotia after the formation there of a responsible Executive Council. Kent's position as Speaker did not prevent him, while urging moderation, from speaking in support of responsible government.<sup>2</sup>

An address embodying the resolution was sent to the Colonial Secretary. Lord Grey granted the request of the Assembly, but, fearing that his concurrence with their

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<sup>1</sup>Ibid., p. 187, March 29, 1849, Address to the Secretary of State for the Colonies.

<sup>2</sup>Newfoundlander, April 26, 1849, proceedings of Assembly, March 29, 1849, Kent's speech.

opinion would be interpreted as granting responsible government itself, he expressed the conviction that until the population and wealth of the colony increased considerably, the introduction of that system would be highly inconvenient and disadvantageous. An additional reason for not conceding responsible government was that the institutions of Newfoundland, which had been recently changed, should be given time to become adapted "to the Political wants of Society". Referring to his despatch of July 6, 1848, in which he had replied to the address of St. John's citizens, he explained that his views had not changed since then.<sup>1</sup> To help Governor LeMarchant discuss the question "with persons anxious to know the sentiments of Her Majesty's Government on this subject" the correspondence concerning the application of responsible government to Prince Edward Island was sent to Newfoundland.<sup>2</sup>

Grey's despatch did not represent a complete victory for either the Liberals or the Conservatives. The wish of the Liberals on the tenure of office question had been granted. The Conservatives, while rejoicing that responsible government had not been conceded, now had grounds for worry, for it had not been refused absolutely and for all time.

In the autumn of 1849 the Governor of Newfoundland

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<sup>1</sup>N.A., G1, 20, Despatches from C.O., 1849, Grey to LeMarchant, May 14, 1849.

<sup>2</sup>Ibid., confidential, May 14, 1849, and enclosures.

could report to the Colonial Secretary that the "political agitation which so long divided the society of this Colony... has now subsided in perfect calm and tranquillity".<sup>1</sup> Full of confidence he wrote to his friend Arthur Blackwood<sup>2</sup> at the Colonial Office:

Everything here is going on in the most perfectly satisfactory manner. Politics are now a dead letter, and the party which for years occasioned such serious embarrassment to the Government are broken -- dispersed and annihilated. I have received most cordial support from all parties, and I think on the closing of the next Session I shall be able to say that the Government of Newfoundland is about the most orderly, quiet and well conducted Government in H.M.'s Colonies.... so that this Winter I hope to repose on a bed of roses.<sup>3</sup>

LeMarchant had good reason to anticipate that the 1850 session would be a quiet one. Indeed, during the first two sessions of the new bicameral legislature, no serious clashes occurred between the Assembly and the Council. There was little concert as yet among the Liberals, several of whom had recently been favoured by LeMarchant. John Kent, for example, received the appointment of Collector of Customs with a yearly income of £500.<sup>4</sup> It is true that there was a

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<sup>1</sup>C.O. 194/132, pp. 4-5, LeMarchant to Grey, September 4, 1849.

<sup>2</sup>See Appendix A, p. 232.

<sup>3</sup>C.O. 194/132, p. 69, LeMarchant to Blackwood, October 18, 1849, private letter, copy.

<sup>4</sup>Blue Book, 1849, p. 86.

Roman Catholic majority in the House of Assembly, but this is quite different from asserting that a disciplined Liberal party was in control of the House. Self-interest apparently was stronger than party ties. Up to 1850 there was no wide-spread demand for responsible government. The fervor for reform which had won for Kent Joseph Howe's friendship in 1846 had been reduced by LeMarchant's effective distribution of patronage. It would seem that Howe's correspondence with Kent had been abruptly suspended after the latter had expressed such backward opinions on responsible government in December, 1846. Kent was still willing to accept office from a Conservative government. He had been a friend of Sir John Harvey's, and he appeared anxious to remain on good terms with Harvey's successor. But Sir Gaspard LeMarchant was no liberal. Parsons condemned LeMarchant vehemently, and when the Governor seemed to be succeeding in his efforts to buy the support of prominent Liberals, that most radical member of the Assembly dismissed Kent's advocacy of responsible government as "mere humbug, and a scheme of the place-hunters to obtain situations".<sup>1</sup>

John Kent's role in the struggle for responsible government in Newfoundland would have been relatively unimportant if he had not been until 1850 the acknowledged leader of the Liberals, most of whom were Roman Catholics.

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<sup>1</sup>Patriot, April 28, 1849.

Bishop Fleming was now old and inactive. As a Protestant,<sup>1</sup> R.J. Parsons, in spite of his liberal ideas, was not completely acceptable to Roman Catholics as a leader. If the Newfoundland Liberals had had dynamic leadership when the Whigs were granting responsible government to the neighbouring colonies, they might not have had to wait until 1855 for power and patronage. As it was, the people in general were apathetic. The agitation for responsible government seemed to be limited to the Liberal members of the House of Assembly. Party ties, which had been weakened under the amalgamated system, were not strengthened as long as Governor LeMarchant was outwardly impartial, and Kent could denounce the Council as the real enemy of reform.

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<sup>1</sup>Patriot, December 23, 1834, editorial; Evening Mercury, June 23, 1883, report of funeral of R.J. Parsons.

Chapter II

RENEWAL OF POLITICAL  
ACTIVITY, 1850-1852

From the point of view of political interest in Newfoundland, there was a great contrast between the 1840's and the 1850's. The 1840's were a period of political apathy. Under the amalgamated system local political leaders diminished in importance while Governor Harvey's control went almost unquestioned. In the early years of his administration, after the return to the bicameral system, Sir Gaspard LeMarchant continued Harvey's policy of distributing patronage to both parties, and he did not openly oppose the responsible government movement. For a time the Liberals were lulled into silence by the inducements of office, and political calm prevailed. In a small House with only fifteen members, where the parties were divided almost evenly, it was not difficult for the Governor to buy enough Liberals to assure support for his policies and to guarantee the failure of any measure calculated to obstruct executive policy. Even during the 1850 session of the legislature the Colonial Office noted that the proceedings of the Assembly and Council were harmonious.<sup>1</sup> Just two years later Governor LeMarchant reported that the Liberals were threatening to cut off supply, and that the "war of creeds" was as bitter as it had been under Governor Prescott.<sup>2</sup> Throughout 1851 and 1852 the demand for responsible

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<sup>1</sup>C.O. 194/133, p. 68, Minute, Blackwood to Merivale, April 20, 1850.

<sup>2</sup>C.O. 194/136, p. 30, LeMarchant to Grey, February 13, 1852.

government was reiterated in the press and in petitions from the Assembly and the public. Finally, a general election was fought and won chiefly on that issue. There was increased political agitation, not only by Liberals in the Assembly, but by the Liberal section of the community. This chapter will attempt to explain the reasons for the rapid and, to the Governor, alarming growth in the movement for responsible government.

Despite his efforts to curb the Assembly, LeMarchant was to find that 1850 was the last year he could "repose on a bed of roses". In keeping with his own policy of impartiality, in the spring of 1850 he wrote to Grey nominating a Roman Catholic, Laurence O'Brien, to the Council:

At the present moment the Roman Catholic Body comprising one half of the entire Community of the Island have no Member of their creed at the Council Board, and that a Gentleman of this persuasion should be added to this Branch of the Legislature I deem both just and fair, as also expedient so that all complaint or charge of partiality on account of religious differences may... be avoided; (a circumstance I have much satisfaction in stating to your Lordship that has never yet once arisen during the period of my administration of the affairs of Newfoundland).<sup>1</sup>

O'Brien, a Liberal, had been one of the St. John's representatives in the Assembly.<sup>2</sup> His elevation to the

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<sup>1</sup>C.O. 194/133, pp. 131-132, LeMarchant to Grey, May 3, 1850.

<sup>2</sup>See Appendix D, Table I, p. 239.

Council left a vacancy which was filled by Philip Francis Little. Little himself was a native of Prince Edward Island, but his father Cornelius Little, had been born in Dublin around 1791.<sup>1</sup> After studying law in Charlottetown, P.F. Little had been admitted to the bar of Prince Edward Island on November 4, 1844.<sup>2</sup> Soon afterwards he had moved to Newfoundland. In December, 1844, he had obtained permission to practise as a barrister in the Newfoundland courts.<sup>3</sup> Apparently, at that time he had been the only Roman Catholic lawyer in St. John's.<sup>4</sup> He became a friend of the new Roman Catholic bishop, Dr. Mullock.<sup>5</sup> In the St. John's by-election of November, 1850, it was generally believed that Bishop Mullock supported Little.<sup>6</sup> Little advocated an immediate

<sup>1</sup>Newfoundlander, September 8, 1864, obituary of Cornelius Little.

<sup>2</sup>Little Papers, p. 237. Microfilm copy at the Newfoundland Archives. Originals now in the possession of Patrick Little, Dublin.

<sup>3</sup>Newfoundland, Journal of the Assembly, March 24, 1846 (4th sess. of 3rd G.A.), pp. 86-87, petition of P.F. Little.

<sup>4</sup>Public Ledger, May 16, 1851.

<sup>5</sup>Mullock, John Thomas, b. 1807, in Limerick, Ireland; d. in St. John's, Newfoundland, March 29, 1869. He joined the Franciscan Order and was educated at St. Bonaventure's College, Seville, and at St. Isadore's, Rome. In 1848 he came to Newfoundland as coadjutor to Bishop Fleming, whom he succeeded in 1850 (Canadians, VII, 199).

<sup>6</sup>Public Ledger, May 16, 1851.

increase in the number of representatives, and the introduction of responsible government.<sup>1</sup> His opponent was the Supervisor of Streets, James Douglas, a Presbyterian, who also claimed to be a supporter of responsible government.<sup>2</sup> Evidently, even some Roman Catholics, regarding the young Mr. Little as an upstart, supported Douglas, who had been in the colony for many years. As election day approached there was a high degree of excitement in the city. The contest was close, but P.F. Little, Bishop Mullock's candidate, won by 1,603 votes to 1,334.<sup>3</sup>

In the Assembly Little soon became the leader of the Liberals in their agitation for reform. The new member found that party lines were not distinctly drawn during the 1851 session. Robert John Parsons believed it was LeMarchant's aim to gain favour with the Colonial Office by maintaining harmony in Newfoundland. To accomplish this, charged Parsons, he had bought the support of a majority in the Assembly. Thus, while the House had a majority of Roman Catholics, who ordinarily voted with the Liberals, always one or two were willing to vote with the Conservatives at the Governor's behest.<sup>4</sup> Under the

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<sup>1</sup>Patriot, September 21, 1850, P.F. Little to the Independent Electors of St. John's, September 14, 1850.

<sup>2</sup>Public Ledger, October 15, 1850.

<sup>3</sup>Patriot, November 23, 1850; Public Ledger, November 22, 1850.

<sup>4</sup>Pilot, July 17, 1852.

leadership of Little and Parsons, the Liberals in the Assembly became distinguishable as the party whose chief purpose was to gain responsible government, and the Conservatives were those who opposed it. Besides the Speaker, who was still a lukewarm supporter, the Liberals were composed of five Roman Catholics and one "unprincipled" Protestant, R.J. Parsons. There were six Protestant Conservatives bent on carrying out executive policy, aided at times by two "renegade" Catholics, John Delaney and James Luke Prendergast. Parsons was a recipient of Assembly patronage, while the Liberals alleged that Delaney and Prendergast had been bought by the Governor.<sup>1</sup>

In 1851, Little lost no time in introducing a representation bill, which was, however, defeated in the Assembly by a vote of six to five.<sup>2</sup> Both parties agreed that an increase in the number of representatives was necessary, but the Conservatives wanted a subdivision of districts to ensure a "full and fair representation of all classes of the community."<sup>3</sup> The Liberals, on the other hand, felt that subdivision would reduce their representation, and so they declared they would prefer to suffer under the existing system than to gain responsible government on Conservative terms.

Despite the Conservative majority the Liberals were

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<sup>1</sup>Ibid., July 10, 1852.

<sup>2</sup>Journal of the Assembly, February 24, 1851, p. 67.

<sup>3</sup>Ibid., February 12, 1852, Hoyles' amendment.

determined to push through the Assembly a statement of Newfoundland's claim to responsible government. They were encouraged by petitions from inhabitants of the three largest communities in the colony, St. John's, Harbor Grace and Carbonear.<sup>1</sup> By the "most frivolous and vexatious opposition on the most trifling points" the Liberals protracted the session "far beyond its usual limits". They let the question of responsible government drop until the end of the session when several members "well disposed towards the Government" had returned home "to attend their private interests". Then, with only a quorum present, an address to the Queen expressing their sentiments on responsible government was "put and carried without observation or comment". Such, at least, was the light in which Governor LeMarchant viewed the proceedings.<sup>2</sup>

In the address the Liberals insisted that there was nothing more "peculiar" in Newfoundland's circumstances than in those of Canada, Nova Scotia and New Brunswick, where responsible government had recently been granted. Even the "little colony of Prince Edward Island -- not one-half so populous, nor one-third so wealthy as Newfoundland" now enjoyed the new system. The 1851 address to the Queen introduced a new argument for responsible government, namely, that while the irresponsible system existed Newfoundlanders were "hopeless

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<sup>1</sup>Ibid., February 20, 1851, p. 61.

<sup>2</sup>C.O. 194/134, p. 86, LeMarchant to Grey, June 4, 1851.

of expanding the great natural resources" of the island.<sup>1</sup>

Clearly, LeMarchant was losing control of the Assembly. In forwarding their address to the Colonial Office, he wrote the first of his lengthy anti-responsible despatches. He reported the tactics used by the Liberals in passing the address, and concluded that it could be regarded as the voice, not of the majority, but of a "very small section, or rather I may term faction of the Assembly who have ever been most hostile to the Executive here". Moreover, he wrote, the existing House of Assembly certainly did not express the sentiments of the electorate. LeMarchant thought the "present Institutions... sufficiently calculated to meet the wants of the present state of Society". If the Colonial Office felt "disinclined to withhold... that which has been granted to the neighbouring Colonies", the people of Newfoundland should be "allowed an opportunity of stating their own feelings and desires". This could not be done, wrote the Governor, until the next general election, which was to take place in the autumn of 1852.<sup>2</sup>

At the Colonial Office a draft reply to the address was prepared in accordance with LeMarchant's suggestions, stating that it would be out of the question to entertain

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<sup>1</sup>Journal of the Assembly, May 3, 1851, pp. 188-195, address to the Queen on responsible government.

<sup>2</sup>C.O. 194/134, pp. 86-87, LeMarchant to Grey, June 4, 1851.

the subject except "on a much more distinct expression of opinion". But on Grey's instructions the reply was not sent. The Colonial Secretary intended to consult LeMarchant, who had left Newfoundland on July 7 for England, and afterwards to prepare a fuller answer.<sup>1</sup>

Sir Gaspard had suggested that the two most serious obstacles to the concession of responsible government were that a House of Assembly composed of only fifteen members was "quite inadequate" for such a system, and that all the "Commercial and wealthy classes" were confined to a single town, St. John's. Nine of the fifteen members of the existing House were residents of the capital. So great was the difficulty of obtaining members to represent outport districts, explained the Governor, that, unless they were represented by St. John's lawyers or merchants, "parties of the humblest class" would be induced to run for election merely to obtain a livelihood from the pay of a member. Merchants were unwilling to sit in the Assembly because of the loss of time, or because of the hostility they might provoke from political enemies. At this point LeMarchant, for the first time, brought the Roman Catholic clergy into the political picture. In "former times", he wrote, Protestant merchants had experienced hostility "to a very ruinous extent... at the hands of the Roman Catholic Bishop and Priests who always have taken a most active part

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<sup>1</sup>Ibid., p. 91, minute written by Grey, July 16, 1851.

in all Local politics". He went on to describe how well organized the Roman Catholics were, and how widespread and effective was the control of their clergy:

So organized indeed is the system among the entire Roman Catholic population, comprising one half of the whole population, that the Priests in each district, acting under the immediate orders of the Roman Catholic Bishop, announce to their several flocks from the Altar the names of the Candidates they are to vote for, and in those districts where that Body is in the majority, the nominees of the Bishop are never defeated, the Election being virtually decided at the Bishop's Palace, and carried into effect at the Hustings by the Priests and their Partizans. Nor does the power of the Roman Catholic Bishop stop here, after the Members are returned, they themselves are continued in the same subjection and thraldom as the Electors, and receive their orders how to vote on every subject of general interest, more especially on all those relating to the division of money grants, as the Bishop thinks proper; and should they venture to disobey or even remonstrate, are treated as recusants, and on the first opportunity deprived of their seat by the same power that previously bestowed it.

So in fact should the majority of the House of Assembly be of the Roman Catholic persuasion, and the system of Responsible Government in operation, the Roman Catholic Bishop would in reality be the Governor of the Island, for he would possess the most unlimited and uncontrolled sway.

The Governor felt it would be unthinkable to change the constitution before the Council and the "Mercantile and Legal Classes (comprising the entire wealth and intelligence of the Island)" had expressed their opinions on responsible government, "to which they are strongly opposed". To discourage the Assembly, LeMarchant suggested that the Colonial Secretary should inform them that, in the event of the

concession of responsible government, the colony might be called on to defray all internal defence expenses. The withdrawal of the garrison from St. John's and the raising of a local militia would result in a big saving for the Imperial government. Moreover, if responsible government were granted, LeMarchant thought, provision would have to be made for the existing office-holders. However, instead of giving a definite answer, Grey ought to inform the Assembly that the Imperial government would wait until 1853 for the decision of the next House.<sup>1</sup>

In November, 1851, LeMarchant wrote to the Colonial Office from Brighton that their reply to the Assembly's address must be so framed as to "keep all parties in good humour". The government should "temporise, conciliate and not... commit itself by any strong or positive expression of opinion". Despite his own opposition to the proposed system, even LeMarchant admitted that "after such form of Government having been granted to Prince Edward Island, Halifax, do, do... the time cannot be far distant when we must either make like concessions to Newfoundland -- or the government must be prepared for a systematic opposition."<sup>2</sup> Within the next few months it was to become evident that LeMarchant, for his part,

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<sup>1</sup>C.O. 194/134, pp. 117-122, LeMarchant to Grey, June 4, 1851, enclosure no. 3, undated memorandum written by LeMarchant.

<sup>2</sup>C.O. 193/134, pp. 135-139, LeMarchant to Blackwood, November 19, 1851.

had chosen to oppose, not to concede.

Having spent more than four years in Newfoundland, the Governor, who had been in England since August, 1851, was reluctant to return to the colony. Nevertheless, as he was unwilling to go against Grey's wishes, he left his family in England and reached St. John's on January 27, 1852.<sup>1</sup>

His speech opening the legislature two days later, while promising to furnish the Assembly with the answer to their address of the previous session, gave no indication as to what Grey had decided.<sup>2</sup> The Liberals, who had been awaiting the Colonial Secretary's reply for more than six months, felt that it was inconsiderate of the Governor to prolong their anxiety. The absence of several Conservatives at the beginning of the session enabled them to voice their sentiments in the address in reply:

We... regret the absence from Your Excellency's Speech of any intimation as to the determination of Her Majesty's Government on this highly important subject; and we therefore look with anxiety for the information in Your Excellency's possession at your earliest convenience, that we may be enabled to deal with it in a manner commensurate with its importance and the hopes of the country.<sup>3</sup>

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<sup>1</sup>Ibid., p. 138.

<sup>2</sup>Journal of the Assembly, January 29, 1852, p. 10, Governor's speech.

<sup>3</sup>Ibid., January 31, 1852, p. 16, amendment to the address in reply.

Kent, the Speaker, and Parsons were still at odds over the meaning of responsible government and the way to achieve it. During the debate on the address in reply, Parsons had again severely criticized the Speaker for his "courtesy to the government":

But, the truth was, when an hon. member slipped into a fat office under the government, a somniferous placidity was superinduced over his nerves which flung a glow of sunshine and drapery of beauty over that government from which it was impossible to become disenchanted.... The hon. the Speaker told the house that unless the liberal party took care to please the governor, the government would be altogether thrown into the hands of the other party! was it not already in the hands of the other party? <sup>1</sup>

Kent blamed the problems of the Liberals on the "corrupting influence of the amalgamated system", which, he said, had made the people "indifferent and apathetic". He could still find no fault in the Governor. On the contrary, he maintained that "the patronage of the government had been dispensed by his Excellency, in accordance with the principles contended for by [the Assembly]". In the appointment of the Colonial Treasurer, Robert Carter, and in his own (Kent's) appointment, the "confidence of the people evinced by their election to that house, was what induced his Excellency to bestow upon them the high offices which they held". In giving Kent the office of Collector of Revenue, LeMarchant had told

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<sup>1</sup>Express, February 3, 1852, proceedings of Assembly, January 31, 1852, Parsons' speech.

him that he did not expect him "to be any way fettered thereby in the expression of the political opinions which he had all along held".<sup>1</sup> Evidently, Kent's ideas on colonial government in 1852 were similar to those which he had expressed in his letters to Joseph Howe in 1846.<sup>2</sup>

Grey's despatch, which Sir Gaspard had brought with him from England, was sent to the Assembly on February 4. The influence of LeMarchant's suggestions may be seen in almost every paragraph. Responsible government was refused because it was considered "premature for the Queen to sanction changes of this magnitude in the Government of Newfoundland, without its having been ascertained in the first instance that their introduction would be in accordance with the deliberate wishes of its inhabitants". The circumstances under which the address had been voted showed the Colonial Office that such a change would not be consistent with the opinions of the colonists. "No... general preponderance of opinion in favour of the introduction of... Responsible Government", Grey had written, "has, as yet, been discernible in Newfoundland".

Another objection to the immediate concession of responsible government was the inadequate number of representatives in the Assembly. Nor would the objection be removed merely

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<sup>1</sup>Ibid., Kent's speech.

<sup>2</sup>Howe Papers, M.G. 24, B. 29, Vol. 1, pp. 143-146, Kent to Howe, July 22, 1846; and pp. 193-196, Kent to Howe, December 10, 1846.

by increasing the number of members. A corresponding increase in the "population and wealth" of the island was necessary, because, for responsible government to be "productive of beneficial consequences", it was important that the electoral districts be represented by "men of intelligence and property, not all of them residents in the single town of St. John's". Grey entertained doubts concerning the suitability of the new system for a colony like Newfoundland where "Representative Government in its simpler form" had been introduced so recently.

While several reasons were given for not granting the wishes of the Assembly, the Colonial Secretary made it clear that his chief objection was the lack of "support and Concurrence of the different orders and classes of Society in the Colony". But he had also been influenced by the fact that a general election would be held following the 1852 session. "And if the Colony is generally favourable to the adoption of the System of Responsible Government, it is probable that the subject will not be without influence on the choice of the representatives of the Several Electoral districts." He would therefore await the views of the new Assembly.<sup>1</sup>

To the Liberals, Grey's despatch indicated that

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<sup>1</sup>N.A., G1, 22, Despatches from C.O., 1851, Grey to LeMarchant, December 16, 1851.

LeMarchant, who had hitherto appeared to be impartial, was working against them. If Lord Grey thought Newfoundland unfit for responsible government, he must have been misinformed by the Governor. It must have been LeMarchant, too, who had told Grey about the circumstances under which the 1851 address had been passed.

The effect of the despatch was to give an impetus to the cause it sought to retard. LeMarchant had intended that Grey's reply should conciliate. But the Governor was no longer dealing with a group led by the moderate John Kent. Philip Francis Little and his party were determined not to be controlled by His Excellency. Their goal was the immediate and unconditional concession of responsible government. If Lord Grey wanted an expression of public opinion in favour of this, he should have it. "Let the people only agitate", Little wrote to the editor of the Newfoundlander, "and success is inevitable."<sup>1</sup> Consequently, the receipt of Grey's despatch was followed by a sudden outburst of political agitation which was not confined to the Assembly.

Little immediately moved the House into a committee of the whole "to take into consideration the Despatch from the Secretary of State for the Colonies... on the subject of Responsible Government, and to adopt Resolutions and Addresses

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<sup>1</sup>Newfoundlander, February 12, 1852, Little to the editor, February 11, 1852.

to Her Majesty and both Houses of the Imperial Parliament.<sup>1</sup> Because of the absence of five members the Conservatives attempted to delay the debate, but they were outvoted. During the lengthy debate which followed, Hugh W. Hoyles, a young Anglican barrister who was to become Premier of Newfoundland in 1861, was the leading exponent of Conservative views, while Philip F. Little was foremost in stating the Liberal position. On February 12 the committee passed Little's resolutions and address setting forth Newfoundland's claims as superior to those of Prince Edward Island.<sup>2</sup>

A defeated amendment moved by Hoyles seemed to indicate that the Conservatives were resigned to the principle of responsible government and were now intent on delaying its introduction:

Resolved, -- That in the Despatch of Earl Grey... the Assembly gratefully recognise the readiness of Her Majesty's Government to comply with their wishes, upon being satisfied that such compliance would promote the public good, and that although the Assembly cannot concur in the reasonableness of imposing upon the colony the maintenance of Her Majesty's troops, yet that in the hope that this stipulation will be waived, the Assembly will proceed without delay to comply with the remaining conditions of the said Despatch, by making the necessary provision for the present officers of Government, and by adopting such improvements in the constitution of the Assembly as may render that body a full and fair

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<sup>1</sup>Journal of the Assembly, February 6, 1852, pp. 19-20.

<sup>2</sup>Ibid., February 12, 1852, pp. 25-29, resolutions and address on responsible government.

representation of all classes of the community.<sup>1</sup>

The resolutions and address were intended to justify Liberal claims that Newfoundland had a right to responsible government. The boon had been granted to little Prince Edward Island, they argued; surely it ought not to be withheld from Newfoundland. If Lord Grey thought the colony unfit for responsible government, he must have been misinformed. Not only was the colony fit, but a widespread desire existed for the new system:

That Address [1851] was passed in strict accordance with the well known, frequently expressed, and "deliberate wishes of the inhabitants" of this Island.... Since [1846] this important question has agitated the public mind and proved a prominent test of the eligibility of Candidates for seats in the Assembly. It has been discussed in the local periodicals -- at the hustings -- in public meetings, and in the Legislative Halls of the Country.

Besides sending copies of the new address to the Queen, the House of Commons and the House of Lords, the Assembly set up a standing committee to correspond with members of the London Colonial Reform Society and of the Imperial Parliament.<sup>2</sup>

On February 12, 1852, a public meeting was held in St. John's to consider the subject of responsible government. At this meeting, which reportedly was attended by five or six

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<sup>1</sup>Ibid., p. 24, Hoyles' amendment.

<sup>2</sup>Ibid., pp. 26-27.

thousand people, several resolutions were passed, one of which condemned the misrepresentations which had induced Lord Grey to veto the introduction of the new system. It was decided to draw up a petition to the Imperial Parliament and "to get it signed from all parts of the Country".<sup>1</sup>

In his despatch to the Colonial Secretary accompanying the petition LeMarchant remarked that the St. John's petitioners were "confined almost entirely to the Roman Catholic portion of the population... and headed by the Roman Catholic Bishop". Dr. Mullock's signature was the first in a long list which included those of several Liberal members of the Assembly. In petitioning the Queen for the concession of responsible government they denied representing only a small section of the colony. Rather, they expressed the wishes of a great majority of the population. Governor LeMarchant, in contrast, reported that the whole Protestant community were opposed and most Roman Catholics apathetic to the proposed change. The petition he dismissed as the "personal application" of the Roman Catholic Bishop. Signatures of a "long array of fishermen" had been obtained on "the Sabbath morning", he wrote, "at the very entrance" of the Cathedral, as they were on their way to Mass.<sup>2</sup>

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<sup>1</sup>Patriot, February 16, 1852; Courier, February 18, 1852, resolutions passed at public meeting.

<sup>2</sup>C.O. 194/136, pp. 131-132, LeMarchant to Grey, February 27, 1852, and enclosure, petition of St. John's inhabitants, February 25, 1852.

In February, too, for the first time Bishop Mullock's political views were expressed publicly. On February 12, the day on which the responsible government resolutions and address were passed in the Assembly, a letter written at Harbour Grace by Mullock to P.F. Little appeared in the Newfoundlander. Little gave as his reason for publishing the letter the recent attempt of a "few interested supporters" of the government to "scatter the flames of sectarian animosity" among the people and to "excite the fears of liberal Protestants". He felt that "unnecessary reference" had been made to the probable influence of the Roman Catholic Bishop and "his devoted clergy" on the working of responsible government. After such provocation it was due to "His Lordship and to the public" that his "disinterested, truthful, and patriotic" views should be made known.<sup>1</sup>

Bishop Mullock's letter told of his pain at reading Grey's despatch, which he considered an insult to himself and to his people. He had never known, he claimed, any settled government "so bad, so weak or so vile" as that of Newfoundland, an "irresponsible, drivelling despotism, wearing the mask of representative institutions, and depending for support alone on bigotry and bribery". Hoping for reform, he had been anxious to give it "a fair trial", but, as a "matter of conscience", he could do so no longer. "I hope", wrote Bishop

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<sup>1</sup>Newfoundlander, February 12, 1852. P.F. Little to the editor, February 11, 1852. Also enclosed in C.O. 194/136, p. 50, LeMarchant to Grey, February 13, 1852.

Mullock, "that all honest men will unite in demanding justice, and by an appeal, not to the Colonial office, but to the British Parliament.... Should any petition for this object be forwarded before my return, I authorize you to put my name to it, and to state publicly to the people my sentiments".<sup>1</sup>

It was LeMarchant's opinion that this "highly inflammatory Epistle" had been written by the Bishop to stir up "all the worst passions of a populace of so easily an excited temperament as that comprizing the Town of St. John's", where Roman Catholics greatly outnumbered Protestants. By publishing it on the very morning of the St. John's meeting, the Liberals, according to the Governor, hoped it would have a more telling effect. He sent a copy of the letter to Grey, to demonstrate how far the Liberals, at the instigation of Bishop Mullock, might go to impede the administration of public business.<sup>2</sup>

But if February, 1852, was marked by increased Liberal activity, the Conservatives were not entirely idle. Spurred on by developments in the Liberal camp, and by Lord Grey's expressed interest in their opinions, the Commercial

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<sup>1</sup>Newfoundlander, February 12, 1852, Mullock to Little, February 7, 1852. Also enclosed in C.O. 194/136, p. 50, LeMarchant to Grey, February 13, 1852. See Appendix E, p. 244.

<sup>2</sup>C.O. 194/136, p. 23, LeMarchant to Grey, February 13, 1852.

Society, the legal profession and the Council made efforts to forestall the concession of responsible government.

The Commercial Society, described by the Liberal press as "twenty merchant princes of St. John's",<sup>1</sup> and by the Governor as "the whole Mercantile Interests of Newfoundland",<sup>2</sup> at a special meeting on February 16 adopted a set of resolutions and an address to Lord Grey "plainly and explicitly" conveying their views. They were not, it would seem, opposed to responsible government itself, but only to its concession "at the present time". In fact, under different circumstances, they themselves would seek such a change. Their opposition arose from the unfair representation in the Assembly. Why, they asked, should a majority of members be returned by the influence of the Roman Catholic clergy, when the majority of the population were Protestants? Moreover, the "Commercial classes have by no means that fair share of the representation to which they are entitled".<sup>3</sup>

The Legal Profession did not agree with the Commercial Society that responsible government should be introduced after a change in the representation. Party government, it was admitted, had merits "where it is applicable

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<sup>1</sup>Pilot, February 21, 1852.

<sup>2</sup>C.O. 194/136, p. 100, LeMarchant to Grey, February 26, 1852.

<sup>3</sup>N.A., A 1, 3, Records of the St. John's Chamber of Commerce, Minute Book 1851-1860, address of Commercial Society to Grey, February 16, 1852. Also enclosed in C.O. 194/136, pp. 111-113, LeMarchant to Grey, February 26, 1852.

and can be properly worked". They were convinced, however, that "it is unsuited to the Existing condition of Newfoundland both political and Social". The lawyers seemed to oppose responsible government more strongly than the merchants, and their reasons were given in more detail. Owing to the "deficiency of Educational institutions..., the imperfect means of internal communication, and... the absence of the ordinary channels for the discussion of public affairs, public opinion... exists but to a limited degree in Newfoundland". The public affairs of the colony, they held, were neither "extensive" nor "intricate" enough to require the introduction of such a complex system. Newfoundland could furnish men of ability and integrity, but it was feared that the most competent would not be selected for government offices, that in the contest for private profit public interests would be forgotten. But the main reason for their objection was that "the introduction of Party Government into Newfoundland... would lead to perpetual contests of a Sectarian character". There were no differences of opinion on purely political questions. "The very names Whig and Tory, Conservative and Radical have no meaning amongst us. The... basis of political divisions in this Country is confessedly the difference of Religious creeds." With the population nearly balanced in number between Protestants and Roman Catholics "the fear of ascendancy of the one must ever be present to the minds of

the other class". Thus, the government should be "independent of Each, impartial between both and filling the Public-Offices of the Colony from the most competent of either". Under the present electoral divisions, they explained, Roman Catholics, who were a minority of the population, possessed a majority in the Assembly, and the effect of responsible government would be to transfer to them the power and patronage of government. The only change suggested by the Legal Profession was the establishment of a separate Executive Council, composed mostly of members from both Houses of the Legislature. They hoped that party government would not be "imposed" upon the Colony until after the "lapse of some years at least."<sup>1</sup>

A counter-statement to the address of the Legal Profession was prepared by the "Minority of the Bar", four Roman Catholics (Philip Little, John Little, George Hogsett, and Thomas Kough) and one Protestant (Harcourt Mooney). At the meeting of the Legal Profession they had objected to the address, on the grounds that a majority of the "meeting" were either office-holders or their "connexions", and, therefore, were not expected to give an unbiased opinion on the present government, "which it is in their interest to uphold".<sup>2</sup>

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<sup>1</sup>C.O. 194/136, pp. 116-121, LeMarchant to Grey, February 26, 1852, enclosure, address of the Legal Profession to Grey.

<sup>2</sup>C.O. 194/136, pp. 136-142 LeMarchant to Grey, February 27, 1852, enclosure, minority of the Bar to Grey.

Governor LeMarchant pointed out to the Colonial Secretary that the Liberals were not wholly free from self-interest. In anticipation of the granting of responsible government, he wrote, they had already divided among themselves the various public offices, "Mr. Little appropriating to his own share that of the Attorney General".<sup>1</sup>

Confirming the opinion of the Commercial Society, the Council in their address emphasized the incompatibility of responsible government with an Assembly of only fifteen members. They asserted that there was a marked contrast between Newfoundland and the other North American colonies where the system had been established. Repeated changes had been made in the constitution since 1832, and the present system of government had not yet been adequately tested.<sup>2</sup>

The renewal of political activity in 1852 was accompanied by the renewal of the "war of creeds". While the reformers thought in terms of Liberals and Tories, the anti-responsible group sought to unite all Protestants against Roman Catholics. These views were presented in the lively press of the day. On the Conservative side, the Times and the Public Ledger supported the government. Like LeMarchant, Henry Winton of the Ledger felt that responsible government

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<sup>1</sup>Ibid., p. 134.

<sup>2</sup>Journal of the Council, February 24, 1852, pp. 21-23, address to the Governor.

would imply "the responsibility of the Executive government to the Roman Catholic Bishop of the Colony, for twist the matter how we may, it comes to that".<sup>1</sup> After the publication of Grey's December 16, 1851, despatch, the outspoken Patriot was joined by the usually moderate Newfoundlander in condemning the government and giving complete support to the Liberals. The Newfoundlander, whose editor was a Roman Catholic, bemoaned the attempt of the Conservatives to depict the responsible government issue as a struggle of rival creeds.<sup>2</sup> Even the hitherto independent Morning Courier, owned by a Wesleyan, now favoured responsible government. It would appear, however, that the Courier's primary goal was to gain a share of government patronage for the Wesleyans, who "generally are poor", from the Episcopalians, who "generally are rich".<sup>3</sup>

P.F. Little publicly condemned the sectarian cry and hoped for support from "liberal Protestants":

[No] intelligent man... can mistake the sinister motives which activate [government supporters] in their unworthy efforts to scatter the flames of sectarian animosity among the ranks of the people....

I am happy to state that I have lately received

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<sup>1</sup>Public Ledger, January 30, 1852.

<sup>2</sup>Newfoundlander, February 12, 1852.

<sup>3</sup>Courier, June 12, 1852.

assurance of hearty cooperation in my labours to break down the present anomalous apology for a government, from influential gentlemen connected with the Wesleyan and Episcopal Church. Mutual confidence and support are more necessary than ever among those who have the welfare of this country at heart.<sup>1</sup>

In the midst of the political activity following LeMarchant's return to the colony, a new Liberal weekly appeared. The Pilot was devoted to "Responsible Government, Education, Religion, The Fisheries, Agriculture, Free Trade, General News, and Miscellaneous Literature".<sup>2</sup> According to LeMarchant, it had been "set up under the patronage of the Roman Catholic Bishop, and supported solely by the Roman Catholic population in this Town".<sup>3</sup>

The Liberals, while seeking support from Protestants, did not reject that given by the Roman Catholic clergy. Bishop Mullock refuted the Commercial Society's charge that a majority of the House of Assembly had been returned in 1848 by the influence of the priests. He did not, however, condemn the interference of the clergy. In his opinion, their influence was justifiable. "I cannot see", wrote the Bishop in a letter to the editor of the Pilot, "why a Priest is to be deprived of his right of citizenship, more than anyone else...."

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<sup>1</sup>Newfoundlander, February 12, 1852, P.F. Little to the editor, February 11, 1852.

<sup>2</sup>Pilot, February 21, 1852, first edition.

<sup>3</sup>C.O. 194/136, p. 303, LeMarchant to Pakington, June 28, 1852.

St. Paul claimed his Roman citizenship". The priest, he felt, merely offset the influence of the merchant at elections.<sup>1</sup>

With increased agitation for responsible government, LeMarchant did not intend to let Lord Grey change his mind. In promising to forward to the Colonial Office their February 12 address, the Governor had told the Assembly that he would "accompany it with such observations as in my judgment will enable Her Majesty's Government to come to a right conclusion."<sup>2</sup> In his despatch of February 13 he had already set forth in detail his objections to responsible government. These were, first, that Newfoundland was unsuited for such a change, and, second, that only Roman Catholics were in favour of the new system.

Newfoundland could not be compared to any other North American colony, explained LeMarchant. The merchants, the higher class, returned to England as soon as they had earned enough to live comfortably. Therefore, the only permanent residents were the humble, poverty-stricken fishermen, who were not capable of managing local affairs. The other colonies had had long experience with representative institutions before the introduction of responsible government. Up to 1818 Newfoundland had not even had a resident Governor.

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<sup>1</sup>Pilot, February 28, 1852, Mullock to the editor. See also Appendix E, p. 247.

<sup>2</sup>Journal of the Assembly, February 18, 1852, pp. 37-38, reply of the Governor to the responsible government address.

The only law in force throughout the Island had been that administered "on the Quarter Deck of a Man of War". Even after the granting of representative government in 1832, it had soon become evident that the constitution was "totally unsuited" to the condition of the colony, and it had been revoked. With the restoration of this system in 1848, it had been hoped that the "violent party feelings" had died away. LeMarchant assured the Home government that, in an effort to train the people for a greater share of political power, he had tried to introduce municipal government in St. John's. The Assembly, however, had "rejected every offer."

He told of his endeavours to wipe out party strife by "acting towards the Roman Catholic party in a spirit of amity and goodwill". In distributing patronage he felt that he had acted fairly. Under his administration, he pointed out, many Roman Catholics had been appointed to high offices.

In 1849 LeMarchant had written confidently that politics were a "dead letter" and that religious discord was at a standstill. Now, in 1852, he reported that "the war of creeds is as bitter, and rankles as deep in the minds of both parties, as in the time of Governor Prescott".<sup>1</sup>

The Governor's second argument was that only Roman Catholics were in favour of responsible government. He explained Newfoundland politics in terms of religion and

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<sup>1</sup>C.O. 194/136, pp. 23-36, LeMarchant to Grey, February 13, 1852.

stated erroneously that no Protestant member of the Assembly supported "any such change".<sup>1</sup> Grey's despatch of December 16, 1851, he wrote, had been received with the "most unmingled satisfaction" by the whole Protestant community, which comprised more than one half of the population of Newfoundland. To corroborate this statement, he sent to the Colonial Office the addresses emanating from the Commercial Society, the Legal Profession and the Council. The petition of St. John's citizens he dismissed as the personal application of the Roman Catholic Bishop. Mr. Little, the leader of the opposition to his government, LeMarchant wrote, had been elected solely by the "will and direction" of the Bishop, and was "considered as his organ in the Assembly". The Liberal addresses, he explained, were intended to serve as a demonstration of the desire of all classes for responsible government. LeMarchant asserted that they spoke the "single voice of the Roman Catholic Bishop". In his opinion, any words that "fall from the lips of [Roman Catholics] are but the echo of the language dictated by their Bishop". Thousands of signatures might be obtained from the "illiterate classes" to any petition considered necessary by the party to serve as a demonstration of strength. In reality, however, apathy prevailed even among Catholics. The "hostility of their Bishop and the dissatisfaction of the few in the Legislative Body [had] arisen from baffled

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<sup>1</sup>Robert John Parsons was a Protestant [Patriot, December 23, 1834; Times, June 23, 1883; Evening Mercury, June 23, 1883].

hopes and expectations in at once gaining possession of the whole political power and patronage of the Government, which to their ardent imaginations appeared at length to be almost within their grasp".<sup>1</sup>

Sir Gaspard LeMarchant had come to Newfoundland in 1847. Not until 1851 had his strenuous opposition to responsible government begun. A strict military disciplinarian with no experience in colonial administration, he had set out with the intention of bringing the whole system of government under his control. By distributing patronage to both parties he had succeeded in making the Assembly subservient, until Dr. Mullock became the Roman Catholic Bishop and P.F. Little the Liberal leader. Defeat for LeMarchant was indicated when the Liberals were able to secure majorities in the Assembly for responsible government resolutions. Still he continued to urge the Colonial Office against concession, while the agitation spread outside the walls of the Assembly. As the Governor became more unpopular with Newfoundland Liberals, Bishop Mullock and P.F. Little became more prominent. Fear of losing power seems to have been the chief reason for LeMarchant's objection to responsible government. The issue to be decided, he wrote to Grey, was "whether the Administration of this Island is to remain in the hands of the Governor... or whether it is to be surrendered into those of the Roman

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<sup>1</sup>C.O. 194/136, pp. 98-104, LeMarchant to Grey, February 26, 1852.

Catholic Party to be wielded by their Bishop at his own individual will and discretion". By means of responsible government, Roman Catholics hoped to "monopolize the whole power and patronage of the Colony". Responsible government would not prove beneficial to the general welfare; rather, it would enable the "Roman Catholic Bishop and Priesthood to fan the flames of religious discord and further excite those animosities which have on more than one occasion threatened to place the public peace of the Island in the greatest jeopardy".<sup>1</sup>

After the fall of Lord John Russell's Whig ministry early in 1852, Grey was replaced as Colonial Secretary by the Conservative Sir John Pakington.<sup>2</sup> It was Pakington who in 1841 had, on behalf of Newfoundland Conservatives, obtained the appointment of a select committee of the House of Commons to inquire into the state of the colony. He now accepted LeMarchant's interpretation of the political situation in Newfoundland, rather than that of the Assembly. Acting on the advice of his undersecretaries, he replied to the Assembly's address that he saw no reason to differ from Lord Grey's conclusions, in the light of "accounts since received from

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<sup>1</sup>C.O. 194/136, pp. 31-35, LeMarchant to Grey, February 13, 1852.

<sup>2</sup>Pakington, John Somerset, first Baron Hampton (1799-1880), Secretary of State for War and the Colonies in Lord Derby's first administration, February to December, 1852 (DNE, XV, 94). See also Appendix A, p. 233.

Newfoundland, and especially by the contents of the Addresses from the Chamber of Commerce... and the majority of the Bar".

He continued:

Her Majesty's Government will entertain no disinclination to place Newfoundland on the same footing as to Responsible Government as the other North American Colonies, whenever it shall appear that such a boon can be conceded with the general concurrence, and for the general advantage of all classes.

The "unhappy dissensions" caused by religious differences, by which the island was distracted, only increased the objections to the concession "under present circumstances". The Colonial Secretary noted with "deep regret that the Roman Catholic Prelate of the Island,... is disposed to take the part of a political party leader", but he felt there was still hope that the Bishop might "be brought to see the impropriety and injurious consequences of such a course". On the other hand, he expressed concurrence in the general views stated by LeMarchant, and approval of the "liberal and conciliatory principles by which your personal conduct and your distribution of patronage have been guided".<sup>1</sup>

The Conservatives received Pakington's despatch triumphantly. The Governor, they felt, had been justly

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<sup>1</sup>N.A., G 1, 23, Despatches from C.O., 1852, Pakington to LeMarchant, April 6, 1852.

praised and the Roman Catholic Bishop justly rebuked.<sup>1</sup> The Liberals insisted that they had not really been expecting much from such a "high tory". Besides, Pakington was of little importance, since his term of office was expected to be of short duration.<sup>2</sup> To P.F. Little and his party the significance of the despatch lay in the "frank acknowledgment of the assistance" which Sir Gaspard LeMarchant had afforded the Colonial Secretary. Pakington had clearly unfolded the source of his information. If he concurred in the views of His Excellency, then Sir Gaspard must have come out against responsible government. This was a definite indication that he had "sold himself body and soul to the official faction of this Island". So far as the Liberals were concerned, his fate was sealed. He must leave Newfoundland before long, for he would have "no peace or rest", opposed as he was to "progress and reform".<sup>3</sup>

Pakington's refusal led P.F. Little to conclude that the people of Newfoundland could not expect to gain self-government by waiting until the Colonial Secretary thought them "sufficiently intelligent to govern themselves". Positive action must be taken. There was to be an election in the fall.

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<sup>1</sup>Times, May 22, 1852.

<sup>2</sup>Patriot, March 29, 1852.

<sup>3</sup>Pilot, May 22, 1852.

Not a single Liberal should vote for any candidate who did not pledge to stop the supplies until responsible government was conceded. The House should petition for LeMarchant's removal, a parliamentary agent should be appointed to present their case in London, and Dissenters should join the Liberals in demanding justice. Finally, said Little, the "manifest duty" of all advocates of reform was to "agitare, agitate, agitate".<sup>1</sup>

The remainder of the lengthy 1852 legislative session was marked by little more than "party contentions and acrimonious debates". LeMarchant felt that the only thing which restrained the Liberals from refusing the supplies was the fear of losing their "individual pay and profits".<sup>2</sup> In a closing speech which even his friend Arthur Blackwood at the Colonial Office described as "pretty severe",<sup>3</sup> he complained about the "most inconvenient length" of the session and regretted the lack of harmony in the legislature. "I have it not in my power," said His Excellency, "to congratulate Newfoundland on the benefits derived from your labours being commensurate with the length of time consumed in your deliberations, or with the necessary expense with which the

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<sup>1</sup>Express, May 25 and May 27, 1852, proceedings of Assembly, May 19, 1852, Little's speech.

<sup>2</sup>C.O. 194/136, pp. 237-244, LeMarchant to Pakington, June 15, 1852.

<sup>3</sup>C.O. 194/136, p. 233, minute, Blackwood to Merivale, July 21, 1852.

same have been attended".<sup>1</sup>

There was no hope now of a reconciliation between the Governor and the Liberal party. Without restraint the Liberal press attacked him. They were glad the end of his term of office was near. The consensus was that LeMarchant had hoped to rule unchecked by any power, but he had failed to bring the whole Assembly under subjection. Up to the time of his visit to England in 1851 he had refrained from taking sides openly. Indeed, his patronage policy had seemed to indicate that his intentions were in the right place. The decline of his reputation among the Liberals dated from his return to Newfoundland in January, 1852. After the publication of Guy's despatch they felt he had deceived the country. And "every subsequent act of his career [had] revealed [his deception] in blacker shades."<sup>2</sup>

For instance, Pakington's despatch had proved to them that Sir Gaspard was at work injuring their hopes. In 1849 John Kent had been able to say convincingly that the Governor was impartial and the Council the real enemy of reform. Formerly only the Patriot had attacked the Governor, in 1852 even the Courier joined in condemning him. Liberal hostility probably reached a climax on June 19 when an effigy of the Governor was paraded through the streets of St. John's

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<sup>1</sup>Journal of the Assembly, June 14, 1852, pp. 302-303, Governor's speech.

<sup>2</sup>Newfoundlander, June 17, 1852.

and finally burnt near Government House.<sup>1</sup>

Meanwhile, LeMarchant in his despatches continued to present a gloomy picture of Newfoundland politics. His opinions, needless to say, were quite different from those of the Liberals. During the early part of his administration, he wrote on June 15, the House of Assembly had been less hostile towards the Executive and more moderate in their debates than in "past years". However, in 1850 P.F. Little had been elected and, directed by the Roman Catholic Bishop, he had at once begun "the most violent opposition" against the government of the colony. The spark of religious discord having once again been kindled, it had soon "burst forth in all its former fury", and party warfare had been carried on with renewed bitterness. From this period LeMarchant dated the beginning of the struggle "on the part of the Roman Catholics" to obtain responsible government. That party, now "openly headed by their Bishop" had declared that nothing but a complete "surrender of the whole power of the Government into their own hands" would suffice.<sup>2</sup>

LeMarchant's parting suggestion to the Imperial Government, based on five years' experience, was that Newfoundland ought to be ruled by Governor and Council as it had been previous to 1832. The present legislature was

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<sup>1</sup>Public Ledger, June 22, 1852; Newfoundlander, June 24, 1852.

<sup>2</sup>C.O. 194/136, pp. 237-244, LeMarchant to Pakington, June 15, 1852.

expensive and time-consuming and its duties could easily be performed by a St. John's municipal body. He warned that during the 1853 session trouble could be expected from the Roman Catholic members, who had already stated their intention of coercing the government by stopping the supplies. He was convinced that a return to the 1824 constitution would be the only means of putting an end to the bitter animosity between the two parties.

For once Arthur Blackwood ventured to disagree with Sir Gaspard. He doubted the propriety of ever returning to the system of governing Newfoundland by a Governor and Council. The "rapid diffusion of liberal views" and the concession of responsible government in all the North American colonies except Bermuda had diminished the possibility of adopting the Governor's remedy. Considerable talent and vigour had been displayed in the legislature since 1848, and the members had become more familiar with the working of representative institutions. It would be preferable, Blackwood thought, "to increase rather than diminish the sphere of Legislative action". Moreover, a "Conservative government" ought not to have the imputation cast upon it of restricting the constitutional privileges of a colony.<sup>1</sup>

The immediate problem for the local government, however, was the general election and according to LeMarchant,

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<sup>1</sup>Ibid., pp. 245-249, minute, Blackwood to Merivale, July 21, 1852.

the Roman Catholic clergy had undertaken to influence the election returns. To counteract the influence of the Bishop and priesthood, he suggested that the government give a "corresponding amount of assistance" to the Protestants. In other words, the Governor would be to the Conservatives what the Bishop was to the Liberals. This idea found no support at the Colonial Office, where it was felt that the government should endeavour to keep an "equal balance" between Protestants and Roman Catholics. The Protestants themselves should become aroused and resist the other party. The Governor's request that the issuing of the election writs be delayed so as to give the Imperial government time to deliberate on a change in the colony's constitution was ignored by his superiors in London.<sup>1</sup>

LeMarchant left St. John's on July 28, 1852, to take over the government of Nova Scotia. In August the candidates began to address the "free and independent electors". As early as June, the Pilot had emphasized the need for the formation of Liberal electoral committees. P.F. Little had adopted Joseph Howe's technique of writing open letters to the Colonial Secretary, in which he claimed to present a "dispassionate statement of the present political condition"

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<sup>1</sup>LC.O. 194/136, pp. 237-249, LeMarchant to Pakington, June 15, 1852, and minutes.

of Newfoundland.<sup>1</sup> The question of responsible government was the most prominent point in all published addresses of Liberal candidates,<sup>2</sup> whereas most Conservatives, who seem to have been poorly organized, failed to mention the subject.<sup>3</sup> Some smaller issues, such as subdivision of the Protestant education grant, formed grounds of controversy in two or three districts.

On November 10, twenty-two candidates were nominated for fifteen seats. According to the 1845 census, districts with a Protestant majority could return nine members and those with a Roman Catholic majority could return only six. Only five of the nine districts were contested. In the Roman Catholic district of St. John's, three Liberals were elected by acclamation. In the Protestant districts of Trinity, Fogo-Twillingate, and Fortune Bay, three Conservatives were returned without a contest.

Polling took place six days later. Unlike elections in the 1830's, the 1852 election was free from violence. A demonstration did take place at Bay Roberts in Conception Bay, but no injuries resulted, though in the same district the

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<sup>1</sup>Pilot, June 19, 1852, Little to Colonial Secretary, no. 1; Pilot, July 3, 1852, no. 2; Pilot, July 24, 1852, no. 3.

<sup>2</sup>Newfoundlander, August 5, 1852, Shea, Hogsett; August 9, 1852, Kent. Patriot, August 23, 1852, Parsons. Herald, September 8, 1852, Hanrahan, Power; October 13, 1852, Talbot.

<sup>3</sup>Public Ledger, August 24, 1852, Robinson; September 10, 1852, March. Herald, September 22, 1852, Hayward; October 13, 1852, Bemister; October 27, 1852, Frendergast.

telegraph wires were cut.<sup>1</sup>

Three Liberals were returned by the Roman Catholic districts of Ferryland (one member) and Placentia-St. Mary's (two members). Bonavista was contested only by Protestant Conservatives. Burin (one member) and Conception Bay (four members) each had a majority of Protestants. Burin returned a Roman Catholic Liberal; Conception Bay returned two Liberals and two Conservatives. In short, the Liberals won all the Roman Catholic seats and three out of five seats in the two Protestant districts which they contested. Thus, the Conservatives returned six members and the Liberals nine.<sup>2</sup> This result did not necessarily mean that voting was not along denominational lines. It probably meant that the Conservatives were poorly organized and, therefore, Protestants did not exercise their franchise to the fullest extent.

The increase in Liberal representation had been expected by both parties.<sup>3</sup> It meant that the next House would have a clear majority supporting responsible government, since all nine elected Liberals had committed themselves to work for its introduction.

Political activity after 1850, then, was centred

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<sup>1</sup>Herald, November 17, 1852; Public Ledger, November 19, 1852.

<sup>2</sup>See Appendix D, Table II, p. 241.

<sup>3</sup>Newfoundlander, September 16, 1852; Public Ledger, November 5, 1852.

around the question of responsible government. The underlying reason for the renewal of politics was the rise to prominence of two advocates of reform, Bishop Mullock and P.F. Little. Mullock and Little provided vigorous leadership for the movement. Fuel was supplied to the fire when Lord Grey, even after granting responsible government to little Prince Edward Island, refused to make a similar concession to Newfoundland. Moreover, the Liberals had reason to believe that Governor LeMarchant had persuaded the Colonial Secretary that Newfoundland was not ready for such a change.

Conservative opposition to responsible government stemmed from the fact that the population of Newfoundland was divided almost equally between Protestants and Roman Catholics. Protestant Conservatives feared that under the proposed system the Liberals, most of whom were Roman Catholics, would control the government, and Bishop Mullock would in effect become the Governor. Protestant control of power and patronage under the existing representative system, and Roman Catholic demands for a share, tended to make for a renewal of denominational strife. But LeMarchant, by depicting the responsible government issue solely as the struggle of Roman Catholics for power, and by condemning Bishop Mullock for using his influence in politics, only served to make the "war of creeds" more bitter. According to the 1845 census there was a slight majority of Protestants in the colony. In the 1852 election,

therefore, the Conservatives had wanted a union of Protestants against Roman Catholics, and they had found it to their advantage to exploit the sectarian cry. The Liberals, while using the influence of the Roman Catholic clergy to gain Irish votes, had appealed as well for support from "liberal Protestants".

Although fear of Catholic ascendancy was the basic reason for the opposition, the reason given by Lord Grey for withholding responsible government had been the lack of widespread support for its introduction. P.F. Little had seized this as an opportunity to stir up the people against the local Government and to make responsible government the leading issue in the 1852 general election. He felt that the victory of the Liberals at the polls would strengthen their position with the Colonial Office and with the new Governor, who, they hoped, would be more sympathetic to their cause than Sir Gaspard LeMarchant had been.

Chapter III

PILGRIMAGE TO WHITEHALL, 1853

At the beginning of 1853 the responsible government party were for several reasons optimistic. Their November, 1852, election victory assured them of control in the House of Assembly, and of a more influential voice at the Colonial Office. Sir Gaspard LeMarchant, who had left Newfoundland in July, 1852, would harass them no longer. They knew little about the political views of the new Governor, Ker Baillie Hamilton, but they hoped to gain his support.<sup>1</sup> As they had anticipated, the Conservative Derby-Disraeli government had not remained long in power. By the middle of January, 1853, news had reached St. John's that the Duke of Newcastle had been appointed Secretary of State for War and the Colonies in Aberdeen's Whig-Peelite coalition.<sup>2</sup> So, with a new Governor and a new House of Assembly in the colony, and a new Colonial Secretary in Downing Street, P.F. Little and his party felt that responsible government would not much longer be withheld.

The first session of the fifth General Assembly was opened on January 31, 1853. John Kent, the Collector of Customs, was again chosen Speaker, but not before Little had made it clear that "under ordinary circumstances" the Speaker's

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<sup>1</sup>Hamilton, Ker Baillie, Governor of Newfoundland, 1852-1855. Educated at the Royal Military Academy, Woolwich, he served in the Indian military service and the civil service of Mauritius, before he was appointed Lieutenant-Governor of Grenada, 1846. He was administrator of Barbados and the Windward Islands, 1851. After his departure from Newfoundland he served as Governor-in-Chief of Antigua and the Leeward Islands, 1855-1863. (Canadiana, V, 69-70).

<sup>2</sup>Express, January 15, 1853. See also Appendix A, p. 233.

chair would not be filled by a government officer:

... but considering the limited number of Representatives the anomalous nature of the constitution, and the condition upon which Mr. Kent accepted the office of Collector of Her Majesty's Customs viz:- That he should be untrammelled in the advocacy of Responsible Government, therefore

Resolved, -- That the choice of this House in this instance shall not be construed into a precedent or a vote of confidence in the Executive.<sup>1</sup>

The passing of this initial resolution indicated that P.F. Little had definitely replaced Kent as leader of the Liberal party. It also served as a reminder to the Speaker that he was expected to support responsible government, not the policy of the executive.

During the 1853 session, more than ever before, the question of responsible government was to pervade the Assembly's activities. In the Governor's words, it was "a never failing theme of declamation."<sup>2</sup> Though Hamilton's opening speech made no reference to the subject, at Little's insistence a paragraph was inserted in the address in reply demanding the concession of responsible government to the colony. This insertion was so worded as to have the appearance of echoing sentiments expressed in the Governor's speech, but in reality,

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, January 31, p. 5.

<sup>2</sup>C.O. 194/139, p. 27, Hamilton to Newcastle, February 21, 1853.

it was introduced in disapproval of his having failed to mention the subject.<sup>1</sup> "This declaration upon the subject," Hamilton wrote to the Duke of Newcastle, "in an Address of thanks in reply to a Speech in which it is not adverted to, is to say the least, out of place, and is perhaps intended as a censure upon the Imperial Government."<sup>2</sup>

In December before coming to St. John's, Hamilton had conferred in Halifax with Sir Gaspard LeMarchant.<sup>3</sup> Less than two months later he announced to the Colonial Office that he concurred with Sir Gaspard's views regarding the extension of responsible government to Newfoundland. His reasons mirrored those given by his predecessor in 1852. The most important of these was the almost equal division of the population between Roman Catholics and Protestants. The Roman Catholics, he maintained, were certain of a majority in the Assembly, because, by their subjection to the clergy in political as well as in religious matters, they acted with unanimity. As this was not the case with Protestants, he explained, the demand for responsible government came solely from the Roman Catholic party. He was convinced that which-

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, February 9, p. 21.

<sup>2</sup>C.O. 194/139, p. 27, Hamilton to Newcastle, February 21, 1853.

<sup>3</sup>C.O. 194/136, p. 531, Hamilton to Pakington, December 29, 1852.

ever of the two religious bodies first gained the ascendancy under responsible government would be sure to retain it permanently. That the Roman Catholics felt confident of obtaining that ascendancy was shown by the eagerness with which they sought the change. Governor Hamilton feared that a permanent Roman Catholic oligarchy would replace the existing Protestant one.<sup>1</sup>

At the same time, on February 21, His Excellency reported on the election and the new Assembly. Whereas Sir Gaspard LeMarchant was probably responsible for shaping Hamilton's general ideas, Conservatives in Newfoundland must have supplied him with a detailed account of the election. The Protestants of St. John's, he wrote, had not put forward a "single candidate". After many previous failures there had been no hope of opposing successfully candidates supported by the Roman Catholic Bishop and clergy. The Governor had "good reason to believe" that the priests in the districts of Placentia and Ferryland had resorted to intimidation and coercion to ensure the return of candidates favoured by them. As a result, he reported, the Roman Catholics had a decided majority in the Assembly. As Harvey and LeMarchant had done before him, Hamilton included Parsons among the Roman Catholics. After observing the new House in session for only three weeks and with no first-hand knowledge of the previous Assembly, he

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<sup>1</sup>See Appendix C, pp. 235-236.

described the new Protestant members as "inferior both in wealth and in intelligence" to those who had sat in the last House. Moreover, he informed the Colonial Secretary that the general character of the whole Assembly had by no means been improved by the election.

Apart from the address in reply to the Governor's speech, the chief business of the first ten days had been the dispensation of Assembly patronage. The settlement of these "delicate and important pecuniary arrangements" made apparent to Hamilton why the Roman Catholic members had sought seats in the Assembly. Much of the patronage had gone to six Liberal members or their relatives: John Kent, the Speaker; Edward Dalton Shea, the editor of the Newfoundlander, brother and partner of Ambrose Shea, for printing the journals of the House; Robert John Parsons, for printing bills and miscellaneous papers; Peter Winser and Edmund Hanrahan, chairmen of the committees of audit and supply; and John Little, brother and partner of Philip Little, Solicitor of the House. F.B.T. Carter, "a highly respectable and most competent professional gentleman", a Conservative who had been Solicitor of the previous House, had thus been replaced by a Liberal. In writing to the Colonial Secretary, Governor Hamilton gave a minute account of the distribution of patronage to show him the true nature of the responsible government issue. It was solely, he thought, a struggle by the Roman Catholics to gain control

of the whole patronage of the government, and to entrench themselves permanently.<sup>1</sup>

In the new Assembly the Liberals were strengthened by the support of George Henry Emerson, the member for Fogo-Twillingate. Emerson, an Anglican lawyer, who had formerly voted with the Conservatives against responsible government, had been one of the candidates for the office of Solicitor-General, from which his brother, Hugh Alexander Emerson, had been removed in 1852. But LeMarchant had recommended for the post Hugh William Hoyles, Conservative leader in the Assembly, despite the fact that Emerson was the elder and more experienced, if not necessarily more able, man. The defection from the Conservatives of the disgruntled Emerson after the announcement of Hoyles' appointment not only added numerical strength to Little's party, but also enabled the Liberal leader to refute Conservative claims that only Roman Catholics wanted responsible government.<sup>2</sup>

During the 1853 session little legislation was passed. Before the general election when the Liberals had not been sure of a majority in the House of Assembly, their policies had been obstructed by Conservatives in that house as well as by the Council. In 1853, with the Conservatives

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<sup>1</sup>C.O. 194/139, p. 27, Hamilton to Newcastle, February 21, 1853.

<sup>2</sup>G.H. Emerson in 1855 became Solicitor-General in the first responsible government. Blue Book, 1855, p. 72. See Appendix C, Table II, p. 237.

in a minority, the Liberals no longer had difficulty getting their measures through the Assembly. Thus it was left almost entirely to the Council to obstruct Little's legislative programme.

Governor Hamilton thought it was not the fault of the Council that so little work was done. In his opinion the majority in the Assembly wasted much time talking about "abstract theories of government" and denouncing all those who disagreed with them as "hostile to the cause of the people". Such speech-making, he felt, occupied much valuable time to the exclusion of practical legislation which would benefit the colony.<sup>1</sup>

On April 7 the Assembly passed yet another series of resolutions demanding responsible government. These resolutions affirmed those which had been passed by the previous house in 1852, but other points were added to the Liberals' argument in favour of the new system. The Council was singled out as the enemy of reform and the resolutions, in fact, were not much more than a catalogue of grievances against the upper house. Responsible government should be granted, insisted the Liberals, because under existing circumstances Her Majesty's Council was obstructing necessary legislation:

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<sup>1</sup>C.O. 194/139, p. 27, Hamilton to Newcastle, February 21, 1853.

Resolved, -- That the policy continued to be pursued by Her Majesty's Council in this colony has given additional force and significance to the prevailing conviction, that constituted as that body is of ten gentlemen wholly irresponsible to the people -- and increased as it has been since last session by the accession of two gentlemen avowedly opposed to political reform or political progress..., it is utterly hopeless to expect its cooperation in carrying out measures of the most imperative public necessity and admitted practical utility....<sup>1</sup>

The Newfoundland Council, which had both legislative and executive functions, was in 1853 composed of six Anglicans, two Congregationalists, one Presbyterian, and one Roman Catholic. The two new members, against whom the Liberals were protesting, were Thomas Job, a Congregationalist, and James Grieve, a Presbyterian.<sup>2</sup> Both were prominent merchants. Whereas thirteen hundred Presbyterians and Congregationalists had three representatives, fifteen thousand Wesleyans were not represented at all. The Liberals hoped to channel Wesleyan discontent over this and other matters into support for responsible government.

At Kent's insistence Little had agreed to modify the strong language used in his original resolutions to describe the Council.<sup>3</sup> However, the upper house was still

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, April 7, p. 129, Resolutions on responsible government.

<sup>2</sup>See Appendix C, p. 236.

<sup>3</sup>Express, April 19, 1853, Report on proceedings of the House of Assembly, April 4, 1853.

charged with all the blame for the loss of important measures. Among these were a road bill, a census bill, a bill to establish the prior claims of fishermen in cases of insolvency of their employers, a poor relief bill, and a bill for the reduction of reserved salaries. The battle for control of the purse, already won by Assemblies in other colonies, was still being fought in Newfoundland.

In this set of resolutions, too, the Assembly urged the British government not to make an increase in representation a prerequisite to the granting of responsible government. The Liberals wanted responsible government right away. The Conservatives were still opposed even to the principle of the proposed system, but if the Colonial Office decided to impose it on Newfoundland, they were determined that an increase of representation based on subdivision of districts should precede the change. In the April 7 resolutions, the Assembly declared that if an increase were made a prerequisite, the Council would never agree to any representation bill, for the passing of such a measure would surely lead to their own overthrow. What the Liberals really feared, of course, was that an increase of representation based on subdivision would endanger their majority.

To strengthen their demands, the Liberals concluded their resolutions by pointing out that the result of the 1852 general election fully attested the "continued and anxious

desire of the people for Responsible Government".

Addresses based on the resolutions were sent to the Queen, to the Duke of Newcastle, and to both Houses of Parliament. At the same time the Assembly resolved to send a delegation to London during the following summer to secure the services of a parliamentary agent for Newfoundland, to urge the colony's inclusion in the proposed reciprocity agreement with the United States, and to promote the idea of responsible government. As the Liberals still did not know Hamilton's position, they decided to ask him to use his influence with the Imperial government to further their cause.<sup>1</sup>

Governor Hamilton did not reply to the Assembly's request. On May 4 he wrote to the Duke of Newcastle that increased knowledge of the colony had convinced him of the correctness of his first impressions. Fear of Roman Catholic ascendancy was uppermost in his mind:

The ... grand objection to the concession of Responsible Government to this Colony -- an objection before which all others sink into comparative insignificance -- consists in the fact that the return of the Majority of the Assembly being, under the present division of Districts and in the present state of the Franchise, entirely in the hands of the Roman Catholic clergy, the whole Legislative and Executive Authority would, by such concession, fall completely under the control of the Roman Catholic Bishop....

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, April 7, p. 129, Resolutions on responsible government.



A change was taking place in the attitude of some British officials towards Newfoundland. After receiving Hamilton's first pronouncement on responsible government, the permanent under-secretary, Herman Merivale,<sup>1</sup> had noted that the Governor's conclusions perhaps required consideration.<sup>2</sup> On the May 4 despatch he remarked how unfortunate it was that the question had assumed a "religious shape":

The Protestants, who form if united a small majority of the population, will not unite -- the Wesleyans holding aloof from the Ch of Ed men -- and consequently the R.C.'s who are under better discipline command a majority in the Assembly and will no doubt secure the prizes of responsible government in the first instance. That these circumstances would render a transition an unpleasant operation I have no doubt, but cannot say they appear to me to furnish any substantial reason against the change.<sup>3</sup>

The Duke of Newcastle did not automatically accept the decision of his predecessors, Grey and Pakington. With the intention of going over the subject from the beginning, he ordered the Newfoundland correspondence to be printed.<sup>4</sup>

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<sup>1</sup>Merivale; Herman (1806-74), a staunch liberal, appointed in 1847 assistant undersecretary of state for the colonies; in 1848 he succeeded Sir James Stephen as permanent undersecretary; in 1859 he became permanent undersecretary for India (DNE, XIII, 280-281).

<sup>2</sup>C.O. 194/139, p. 39, minute written by Herman Merivale, March 17, 1853.

<sup>3</sup>*Ibid.*, p. 135, May 28, 1853.

<sup>4</sup>*Ibid.*, minute written by the Duke of Newcastle, May 30, 1853.

Meanwhile, in Newfoundland, the remainder of the 1853 session was by no means harmonious. In addition to clashes between the Assembly and the Council, but caused indirectly by them, an encounter took place between the Assembly and the Governor. On May 26, His Excellency sent a message to the Assembly, saying that although the Revenue Act then in force would expire in three days, and although the House had been in session for four months, no new revenue bill had been passed. He deemed it his duty "to request the House to consider the serious injury that must result from permitting any ... time ... to elapse between the expiry of the present Revenue Act and the passing of another."<sup>1</sup>

A revenue bill had been introduced on May 9, but the Liberals had not permitted second reading until May 20.<sup>2</sup> It was scheduled for committal to the whole House on May 27.<sup>3</sup>

Straightway after receiving the Governor's message, Little moved the House into a committee of the whole on privilege.<sup>4</sup> Kent defended the Governor, saying that Hamilton was justified in calling the attention of the House to the fact that the Revenue Act was about to expire. Parsons

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, May 26, p. 250.

<sup>2</sup>Ibid., May 9, p. 209; May 11, p. 216; May 20, p. 233.

<sup>3</sup>Ibid., May 25, p. 249.

<sup>4</sup>Ibid., May 26, p. 250.

disagreed with Kent. Formerly he had been inclined to think that the new Governor would "hold the reins with an even hand between the two parties". Now his message indicated that he had "thrown himself into the hands of the Council."<sup>1</sup> Little agreed with Parsons that up to that time, as Governor Hamilton had done nothing "disrespectful" to the House of Assembly, they had had no reason to suppose that His Excellency was not "impartial and fair". He had come to the colony "only the other day", said Little, and "they [had] fondly hoped they [had] found one who would have dispassionately considered the question [of responsible government]." It was true that he had not acted with respect to the delegation matter<sup>2</sup> as they would have liked, but now he had clearly come out against the Assembly. "By the law of Parliament", Little concluded, "his Excellency could take no cognizance of any measure in progress through that House."<sup>3</sup>

The resolutions which were reported from the committee on privilege accused the Governor of "direct interference with the deliberations" of the lower house, and blamed the Council for the Assembly's tardiness with the revenue bill:

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<sup>1</sup>Express, June 11, 1853, Report on House of Assembly proceedings, May 26, 1853.

<sup>2</sup>Delegation matter, see below, p. 89.

<sup>3</sup>Express, June 14, 1853, Report on House of Assembly proceedings, May 26, 1853.

Resolved, -- That the said message is a manifest breach of the privileges of this House; and however anxious this House is to maintain a good understanding with His Excellency, this House cannot, with a due regard to the rights and privileges, which it is their sacred duty to uphold intact, permit this document to be recorded on their Journals unaccompanied with the unequivocal expression of their opinion thereon.

Resolved, -- That the course pursued by Her Majesty's Council on the important measures vitally affecting the public welfare which have been sent to them for their concurrence by the Assembly during the present session, has been the cause of protracting this session of the Legislature to the present late period, and obliged this House, in self-defence, to withhold their prompt assent to a Revenue Bill.<sup>1</sup>

Nevertheless, a revenue bill was passed by the House of Assembly the next day.<sup>2</sup>

In delaying the passage of a revenue bill, the Assembly had been protesting, among other things, the Council's manner of dealing with the delegation bill. Believing that their pleas to the home government had been met by counter-statements and misrepresentations from "the official clique surrounding the Executive", the majority in the Assembly had determined to send a delegation to correct any false statements which might have been made by "interested parties in the colony".<sup>3</sup> On April 12 they had sent an address to the

<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, May 26, p. 252.

<sup>2</sup>Ibid., May 27, p. 257.

<sup>3</sup>Express, June 14, 1853, report on House of Assembly proceedings, May 26, 1853, P.F. Little's speech.

Governor requesting his permission to initiate in supply an appropriation of £450 to defray the expenses of the proposed delegation. In the hope of gaining his consent, the Assembly at the same time had offered to provide for the expense of delegates from the Council.<sup>1</sup> Hamilton had refused to sanction this, but had replied that he would not object to the introduction of a separate delegation bill.<sup>2</sup> A bill had immediately been brought into the Assembly and had passed by a majority of eight to four.<sup>3</sup> In the Council it went through first reading on April 25 and then was dropped for more than six weeks.<sup>4</sup> After receiving Governor Hamilton's message regarding the revenue bill, the Assembly appointed a select committee to "search the Journals of Her Majesty's Council in reference to their proceedings on the Delegation Bill".<sup>5</sup> It was at last taken up by the Hon. Laurence O'Brien, the only Roman Catholic in the upper house. As he was the only member who supported it, the separate money bill was, of course, rejected.<sup>6</sup>

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1853, April 12, p. 150.

<sup>2</sup>Ibid., April 23, p. 169.

<sup>3</sup>Ibid., p. 174.

<sup>4</sup>Newfoundland, Journal of the Council, 1853, April 25, p. 48.

<sup>5</sup>Newfoundland, Journal of the House of Assembly, 1853, May 26, p. 252.

<sup>6</sup>Newfoundland, Journal of the Council, 1853, June 8, p. 121.

Finding that as a separate measure the vote had failed, the Assembly tacked it to the supply bill, which they passed on June 11. The Council amended the bill, striking out the clause respecting the delegation grant.<sup>1</sup> Subsequently, the Assembly passed a supply bill without it. They did not stop the supplies, perhaps because many of the Liberals badly needed their sessional allowance. If the Assembly had refused to vote the supplies, the Council would certainly have rejected the contingency bill, which provided among other items for members' allowances.

When the closing day of the session came, no provision had been made to pay the expenses of a delegation. It was, therefore, decided by a vote of nine to one that P.F. Little, R.J. Parsons, and G.H. Emerson should go to England on the chance that their expenses would be repaid later. In an address to the Duke of Newcastle the Assembly's reasons for the appointment of delegates were given:

The House of Assembly, desiring nothing more than justice for the people, and a fair opportunity of placing before the Imperial Government both sides of the question at issue between the local Executive and the people, in their true light consented during the present session to an appropriation to defray the expenses of Delegates from Her Majesty's Council in this colony, and also from the Assembly; but this proposition was twice rejected by the Council.

The House of Assembly therefore resolved upon making

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<sup>1</sup>Ibid., June 13, p. 131.

this last appeal to the Parent Government for a reform  
 of the political institutions of the colony, and a  
 concession of its rights as one of the most ancient  
 and loyal dependencies of the British Crown, rather  
 than resort to measures in the Assembly of an extreme,  
 though constitutional character, which existing  
 circumstances would justify, but a feeling of confidence  
 in Her Majesty's ministers and in the intrinsic merits  
 of the principles which the Assembly have endeavoured  
 to uphold, induced them to forbear adopting that  
 course, in the hope that ere long their reasonable  
 demands would be conceded.<sup>1</sup>

Because of "professional engagements" Emerson did  
 not go to London.<sup>2</sup> Little and Parsons left St. John's and  
 proceeded to Halifax. There they obtained from Joseph Howe  
 letters of introduction to several men in England.<sup>3</sup> They  
 went to Liverpool in the Royal Mail steamer "Niagara" and  
 arrived in London on July 18.<sup>4</sup>

At once they applied themselves to the fulfilment  
 of their task. Besides sending their credentials to the  
 Duke of Newcastle and requesting an interview, they solicited  
 the help of Joseph Hume in presenting the Assembly's address

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<sup>1</sup>Newfoundland, Journal of the House of Assembly,  
1853, June 15, p. 318, Address to the Duke of Newcastle.

<sup>2</sup>C.O. 194/140, p. 238, Emerson to Little, June 29,  
1853, enclosure no. 4 in Little-Parsons to Newcastle, July  
20, 1853.

<sup>3</sup>Newfoundland Archives, Little Papers, Howe to  
Wear, Smyth and Saunders, July 7, 1853.

<sup>4</sup>Newfoundland, Journal of the House of Assembly,  
2nd Sess., 5th G.A., 1854, p. 9, report of the delegates.

to the House of Commons.<sup>1</sup> Hume had long been a friend of reform in Newfoundland, having championed the cause of Carson and Morris in their fight for representative government.<sup>2</sup> He assured the delegates that, as he had advocated responsible government in the British American colonies for nearly half a century, it would afford him pleasure to support their cause.<sup>3</sup>

Frederick Peel, the parliamentary undersecretary at the Colonial Office, pointed out to Newcastle that in their address the House of Assembly called the delegation "a last appeal" and held out threats of stopping the supplies if it should be unsuccessful.<sup>4</sup> Hume, too, requested the Colonial Secretary to grant them an interview, suggesting that it would be a good idea for Newcastle to see them before the Assembly's petition was presented to the House of Commons.<sup>5</sup>

<sup>1</sup>C.O. 194/140, p. 235, Delegates to Newcastle, July 20, 1853; N.A., Little Papers, p. 19, Delegates to Hume, July 20, 1853.

<sup>2</sup>A.H. McLintock, The Establishment of Constitutional Government in Newfoundland, 1783-1832 (London: Longmans, Green, 1941), pp. 156, 182.

<sup>3</sup>N.A., Little Papers, p. 34, Hume to Delegates, July 22, 1853.

<sup>4</sup>C.O. 194/140, p. 236, Delegates to Newcastle, July 20, 1853, minute written by Frederick Peel, July 21, 1853.

<sup>5</sup>Ibid., p. 218, Hume to Newcastle, July 23, 1853.

Consequently, he agreed to see Little and Parsons and asked again for the responsible government correspondence.<sup>1</sup>

However, before seeing Newcastle, the delegates sent him printed statements on the condition of the colony. In these they sought his help as "a friend of Colonial Reform and Free Trade" in bringing to a successful end the struggle of the "people" of Newfoundland with the "monopolists of its Trade and its Government". These statements give a summary of the Liberals' arguments for the introduction of responsible government.

To begin with, they sketched the constitutional history of Newfoundland from the granting of representative government in 1832. The original representative system had failed, the delegates explained, because the executive had been composed of men hostile to its concession. They described the amalgamated system as "nothing more than an expensive delusion, sustained by unexampled corruption, and calculated to bring the Executive ... into merited contempt". Its termination had been "hailed with unanimous approval". Then the Imperial government had "unaccountably" restored the 1832 system. The old constitution had been changed to secure to the executive the initiation of money votes. This power, the Liberal delegates claimed, had been "arbitrarily and corruptly" used.

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<sup>1</sup>Ibid., p. 236, Delegates to Newcastle, July 20, 1853, minute written by Newcastle, July 23, 1853.

Dissatisfied with the existing system the Assembly in 1851 had petitioned the Queen for responsible government. But Earl Grey "on the misrepresentations of the interested officials of the colony, and those who have invariably opposed an extension of popular rights", had not complied with their request. In 1852 the Assembly had sent another petition to Her Majesty, and this time to both Houses of Parliament. Unfortunately, the Conservatives had gained control in Britain. The "hopes of the colony were again doomed to be crushed for a time by ... Sir John Pakington, the former agent and active supporter of the Obstructives of Newfoundland". Furthermore, the Liberals believed that the Colonial Secretary had received "secret Despatches from the local authorities, containing fabricated statements as to the views of the people on this vital and all-absorbing question". The 1852 election, they continued, had resulted in the return of a large majority in favour of responsible government. Consequently, in 1853, addresses had again been sent to the Colonial Secretary and both Houses of Parliament.

Next, the Liberal statement described the recent behaviour of the Council. In the session just ended the upper house had "rejected or mutilated" a representatives bill, a census bill, a poor relief bill, a prior claims of fishermen bill, a Newfoundland Savings Bank bill, and a delegation bill, besides bills for the encouragement of ship-

building, the establishment of a "proper" jury system, and the reduction of the civil list. Moreover, the road bill, the education bill and the supply bill had all been amended by the Council. Although the Assembly had regarded this action as a violation of their privileges, they had preferred submitting to a "temporary injustice", to embarrassing the public service.

The purpose of this long exposition by the delegates was to prove that "the privileges of the Assembly have been utterly disregarded" by the Council. Nor was the Governor free from blame. The delegates' statement charged that Governor Hamilton had sent the Assembly an "intimidating" message on the subject of the revenue bill. Then, feeling that they had given enough evidence "to convince any reasonable man of the impracticability of conducting the Government of the colony under such a system" they turned their attention to the question of reciprocity.<sup>1</sup>

The delegates had not been appointed merely to advocate responsible government. One of their chief duties was to persuade the Imperial government to include Newfoundland in the proposed reciprocal trade agreement between the United States of America and the North American colonies.<sup>2</sup>

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<sup>1</sup>C.O. 194/140, p. 244, Delegates to Newcastle, July 25, 1853. See also Newfoundland, Journal of the House of Assembly, 1854, p. 10, Report of the Delegates.

<sup>2</sup>Newfoundland, Journal of the House of Assembly, 1853, p. 317.

The question of reciprocity had been controversial during the last two sessions of the legislature. In 1852 it had taken second place only to responsible government in the electoral addresses of Liberal candidates. The Liberals wanted reciprocal free trade; the Conservatives opposed it.

The Newfoundland government had been invited to send representatives to discuss reciprocity at the Halifax conference of September 1, 1849. Without consulting the Assembly, the executive had instructed the local Colonial Secretary, James Crowdy, to decline the invitation.<sup>1</sup> Crowdy had replied to the governments of Nova Scotia and New Brunswick, enclosing the following emphatic minute of Council:

It appearing to the Council that the Commercial interests of Newfoundland do not in any manner call for the adoption of the course suggested by the Council of New Brunswick -- and no opinion having been at any time expressed on this question by the Legislature or the trade of this Island, the Council recommend to his Excellency to instruct the Colonial Secretary to apprise the Provincial Secretaries of the respective Provinces of Nova Scotia and New Brunswick in reply to their letters: that this Government declines joining in the proposed conference....

The Council at the same time beg to express their entire conviction that no advantage to be derived from a reciprocal free Trade with the United States would compensate for the concession to the Citizens of that Republic of a participation in the Fisheries of this Colony.<sup>2</sup>

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<sup>1</sup>N.A., S4, 2, Minutes of the Executive Council, 1842-1855, August 22, 1849.

<sup>2</sup>N.A., S1, 47, Letter Books of the Colonial Secretary's Office, August 22, 1849.

The opposition in 1849 had come from commercial interests, which were well represented in the Council. The House of Assembly probably did not even know about the project for reciprocity. It is not surprising that Governor LeMarchant, while expressing his own opinion that reciprocity would be advantageous to the colony, had warned Lord Grey that "any such alteration... in our Commercial policy will be viewed with much jealousy by the ... principal Merchants;" whose complete monopoly in the supplying trade would be injured. Therefore, he thought, they should have an opportunity of expressing their sentiments before a decision was reached.<sup>1</sup> As a result of this despatch, and the Council's refusal to send delegates to Halifax, the British government had come to believe that Newfoundland was against reciprocity.

The correspondence with Nova Scotia and New Brunswick had been kept secret in the colony. Fortunately for the Assembly, however, the document found its way into the Journals of the Nova Scotia Assembly,<sup>2</sup> and, in the words of the Liberal delegates, the "fraud attempted on the people of Newfoundland was there discovered and made public."<sup>3</sup>

In 1852 the Assembly, anticipating the benefit of

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<sup>1</sup>C.O. 194/132, pp. 108-115, LeMarchant to Grey, December 31, 1849.

<sup>2</sup>Nova Scotia, Journal of the House of Assembly, 1850, Appendix no. 17, p. 55.

<sup>3</sup>C.O. 194/140, p. 244, printed statement of Delegates to Newcastle, July 25, 1853.

free access for Newfoundland fish to the American market, had affirmed its support for the principles of reciprocity.<sup>1</sup> Subsequently, they had prepared an address to the British government requesting that Newfoundland be included in any reciprocal trade agreement between the North American colonies and the United States.<sup>2</sup>

Evidence taken before a select committee of the House in April, 1852, had revealed that, almost without exception, the resident merchants believed that if the duty of twenty per cent imposed on Newfoundland produce in the United States were removed, a valuable market would be secured for the colony's staple products.<sup>3</sup> Goods from the United States were subject to a duty of only five per cent on entering Newfoundland. The merchants wanted a commercial treaty under which a common duty would be established. They were unwilling to give citizens of the United States further access to the coastal fishery, a condition demanded by the Americans early in the negotiations. It was the opinion of the Liberals that the Commercial Society feared the influence of "honest and active competition at their own doors".

Little and Parsons pointed out in their statements

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 1852, April 21, pp. 128-129.

<sup>2</sup>Ibid., June 12, pp. 289-290.

<sup>3</sup>Public Ledger, April 9, 1852, Report of the Select Committee.

that Newfoundland had been losing foreign markets for her exports, which consisted almost entirely of fishery products, because of formidable French competition. New markets were needed, and the Assembly looked to the United States. Already many unemployed fishermen were being forced to seek employment in American vessels. The delegates explained that the supply system of the few merchants, who controlled the trade of the island, enabled them to command the produce of the fisherman's summer voyage at a price usually fixed so low as to leave the "operative" scarcely enough to support his family during the winter. They felt that the effects of the credit system were ruinous, tending to retard the improvement of the fisherman's lot and the progress of the colony.

What the merchants feared, continued the Liberal statement, was that American merchants would visit the coast of Newfoundland, employ local fishermen, use their unoccupied flakes and stages, and "by thus infusing new life and energy into their pursuits, relieve the dependent fishermen from their present abject condition, and break up the monopoly which they had long enjoyed".

The Liberals believed that these fears were groundless. They also believed that France, with her heavily subsidized fishery, intended to exclude Newfoundland from the American market, as she had already largely excluded the colony from old markets in Europe. If Newfoundland, along

with the neighbouring colonies, could induce the Americans to admit her produce on more favourable terms than they received the produce of French fisheries, then the Liberals were willing to make any reasonable concession.<sup>1</sup>

With this in mind, the Assembly in 1852 had addressed the home government. On August 26, 1852, Sir John Pakington had replied that the subject would receive serious consideration.<sup>2</sup> Great surprise and regret had been expressed by the Assembly in February, 1853, at an announcement by American Secretary of State Everett, that the British government was prepared to enter into an arrangement for all the colonies with the possible exception of Newfoundland.<sup>3</sup>

In a second address to the Crown, the Assembly had strongly reiterated the wish that the colony be included in the proposed treaty. At the same time they had decided to send a delegate, Ambrose Shea, to Washington promote their views with the British minister and the American government.<sup>4</sup>

The Council, although it had a large mercantile representation, had not acted on the question during the

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<sup>1</sup>C.O. 194/140, p. 244, printed statement of Delegates to Newcastle, July 25, 1853. See also Newfoundland, Journal of the House of Assembly, 1854, Report of Delegates, p. 10.

<sup>2</sup>N.A., G.1, 23, Governor's Office, Despatches from the Colonial Office, Pakington to the Administrator, August 26, 1852.

<sup>3</sup>Newfoundland, Journal of the House of Assembly, February 23, 1853, p. 45.

<sup>4</sup>Ibid., April 30, 1853, p. 189.

session. However, a few days before Little and Parsons had left for England, Governor Hamilton had authorized Crowdy to call the attention of the Commercial Society to the action being taken by the Assembly. Among other matters, Crowdy had written, the delegates were to inform Her Majesty's government of the desire of the people for the establishment of free trade. The Governor would be glad "to convey to His Grace the views and wishes of the Commercial Society on this important subject".<sup>1</sup>

A general meeting of the Society had been convened on June 25. As a result, an address had been presented to the government expressing their views.<sup>2</sup>

On June 28 Hamilton had written to the Colonial Secretary that "the opinion of the people generally is... in favour of this change". The opponents of free trade were to be found principally among the merchants, who feared American competition in their "trade and fisheries". However, he reported that, even among the merchants, opinion was divided and that a "respectable minority" of the Commercial Society agreed with the Assembly.

The Governor himself was inclined to think that "the advantages of Free Trade... are overrated on the one

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<sup>1</sup>N.A., A.1, Records of the Chamber of Commerce, June 23, 1853, Crowdy to McBride, June 21, 1853.

<sup>2</sup>Ibid., June 25, 1853, Resolutions on free trade.

side; while its evils are exaggerated on the other". The advocates of reciprocity contended that the stimulus given to the trade and fisheries by the opening of American markets would be very great. Those opposed to it alleged that, by opening the entire coast to Americans, the revenue would be seriously diminished by the illicit trade which would spring up. Moreover, he explained that the St. John's merchants were opposed to reciprocity from the fear that the settlement of Americans in the outports would divert trade from St. John's. The Governor felt that, even if this fear were well grounded, it could not be contended that the prosperity of the capital was of more importance than that of the rest of the island. ✓

On the whole, he concluded, no real objection could be urged to Her Majesty's government "acting upon the desire expressed by the Assembly for the establishment of Free Trade".<sup>1</sup>

The Liberal delegates in their printed statement of July 25, 1853 used the reciprocity question to strengthen their charges against the Governor and the Council. Evidently, they believed that Hamilton was siding with the Commercial Society. The Council itself had taken no action but had preferred trusting to the "secret despatches" of the Governor

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<sup>1</sup>C.O. 194/139, p. 172, Hamilton to Newcastle, June 28, 1853.

and the "self-constituted cliques who represented no interests but their own". They criticized Hamilton for asking the opinion of the Commercial Society. "Reference of such a question to a private party sitting with closed doors, would not be thought of out of Newfoundland."

In the next section of their statement the delegates concentrated their complaints on the executive. They censured the local government for its system of distributing patronage, for the formation of a "Family Compact", and for the promotion of men in whom the "public" had no confidence. They charged that the publisher of the "Government organ", Henry Winton of the Public Ledger, had been encouraged by the executive in fomenting discord among the people. Thus, to strangers it might appear that the community was so divided by sectarian and other differences as to be unfit for responsible government.

"Peculation, defalcation, and a total disregard of the law," the statement continued, had occurred frequently in several departments. But whereas "favorites" of the executive had been screened in their misappropriations, legal proceedings had been taken against the "sureties" of the late Treasurer, Patrick Morris.<sup>1</sup>

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<sup>1</sup>Morris, a Roman Catholic, had been one of the leaders in the struggle for a local legislature. He had acquired a reputation as an orator and a pamphleteer, but after 1832 had taken a less active part in political agitation and, finally, under Governor Prescott in 1841 he had joined the Council as Colonial Treasurer. Shortly after his death in 1849 defalcations in his accounts of more than \$6,000 had been discovered.

Elaborating their charges against the executive, the delegates severely criticized the Colonial Secretary, James Crowdy, "Chief Adviser of every Governor for over twenty years":

It is notorious that whoever may be the Governor, he ultimately becomes the ruler of the Island. All the evils and abuses of the Government have occurred during his connexion with it; and it has often been a matter of surprise to many that defalcations could have happened in the Treasury Department on which he drew, or must have known all the warrants that were drawn on the late Treasurer, without his being able to detect and expose them, during the life-time of his co-official.<sup>1</sup>

Little and Parsons sent copies of these lengthy statements to the Colonial Secretary and to many members of both Houses of Parliament.

Their interview with the Duke of Newcastle took place on July 26. After listening to their pleas the Secretary told them he probably would not have time while Parliament was in session to consider the question fully, but he promised to do so as soon as possible. He admitted that he did not want to withhold responsible government. However, in the case of Newfoundland there might be obstacles which would interfere with the effective working of such a system. He suggested, for instance, that it might be difficult to find enough qualified people to carry on the government

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<sup>1</sup>C.O. 194/140, p. 244, printed statement of Delegates to Newcastle, July 25, 1853. See also Newfoundland, Journal of the House of Assembly, 2nd sess. 5 G.A., 1854, Report of Delegates, p. 24.

and to justify an enlarged House of Assembly. Difficulty might also arise from the discord existing among people of different religious denominations. Apparently Newcastle had studied the Newfoundland correspondence, for these very objections had been raised by Governor LeMarchant and Governor Hamilton. The Colonial Secretary made it clear that he did not consider them insuperable.<sup>1</sup>

In a supplementary statement the delegates attempted to show that they were groundless. They assured Newcastle that from a population of 120,000 it would not be difficult to find qualified persons to sit in the Assembly. As for religious sectarianism, they assumed that objection had been put forward by a "few individuals connected with the local clique". To show the motives of the governing clique and the real nature of the religious issue, they gave figures from the 1845 census and the "Blue Books" of the colony:

According to the Census of 1845, there were in the island, 34,291 members of the Church of England, 15,230 Dissenters, nearly all Wesleyan Methodists, making together 49,521 Protestants; and 46,995 Roman Catholics. The members of the Church of England enjoy £18,500 sterling yearly, out of the Civil Official expenditure; the Wesleyans £500, other Protestant Dissenters, numbering 970, £2,280; and Catholics £4,593. The Executive and Legislative Council consists of six members of the Church of England; three Dissenters (none of them Wesleyans),

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 2nd sess., 5 G.A., 1854, p. 33, Report of the Delegates.

and one Catholic. During a period of twenty years, and five general elections, the number of Protestants returned to the Assembly was thirty nine, and thirty six Catholics. In six of the nine Electoral Districts into which the Island is divided, there are a majority of Protestant Electors, both collectively and separately.... Although these Districts have possessed the numerical power to return members of their predominant persuasion, yet several of them, like the Districts where the Catholics are in the majority, have returned persons of different creeds as their Representatives. Under such a state of facts, taken from the records of the colony, we are confident that your Grace will see that this objection is only a pretext put forward, most certainly not by your Grace but by the local clique, as an expedient to prolong their tenure of irresponsible power.

A similar objection had been urged against the concession of responsible government to several neighbouring colonies, especially Prince Edward Island and Canada. There it had proved to be groundless. Likewise, they wrote, the reformers in Newfoundland sought no undue sectarian ascendancy.<sup>1</sup>

On the subject of reciprocity Newcastle had assured the delegates that he "could see no reason why Newfoundland should form an exception,... provided that any deficiency which might thereby be created in the revenue could be otherwise supplied." They, in turn, assured him that reciprocity would tend to "relieve the country from its continued and prolonged depression, and elevate [the colonists'] hopes of improving their condition."<sup>2</sup>

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<sup>1</sup>C.O. 194/140, p. 260, Supplementary Statement of Delegates to Newcastle, July 28, 1853.

<sup>2</sup>Newfoundland, Journal of the House of Assembly, 2nd sess., 5 G.A., 1854, p. 34, Report of the Delegates.

Two days after their interview with the Colonial Secretary, Little and Parsons discussed reciprocity with William Strachey. It was Strachey who revealed that the Attorney-General of Newfoundland, E.M. Archibald, was busily urging objections to the colony's inclusion in the projected reciprocity agreement. They had, of course, known that he was in London, but Little thought he was there to present the Council's case against responsible government.<sup>1</sup> Archibald's chief objection was that the decrease in revenue which would result from the free admission of American produce could not be made good. The Assembly delegates later reported that they removed this "erroneous impression" by saying that under responsible government any necessary change could be made in the tariff. Moreover, since imports as well as exports would increase, the revenue would not suffer. Little believed that an ad valorem duty of five or six per cent on certain articles for purposes of revenue would not form an obstacle to a free trade agreement. But if it should be objected to, Newfoundland would not insist on it, for the advantages to be derived by the colony from the measure far outweighed a loss of revenue. Revenue, he said, could be easily supplied by reducing the Civil List and by re-adjusting the scale of duties imposed by the legislature.

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<sup>1</sup>Express, June 14, 1853, Report on Proceedings of the House of Assembly, May 26, 1853, P.F. Little's speech.

At the end of this discussion Strachey expressed his conviction that Newfoundland would not be excluded from reciprocity. However, because of her peculiar position with respect to revenue, a separate clause might be necessary.

After talking with Strachey and later with the President of the Board of Trade, Edward Cardwell, the Assembly deputies could leave England feeling that the question of reciprocity was in a "safe position".<sup>1</sup>

They did not feel so confident about responsible government. The Colonial Secretary had received them courteously. Nevertheless, they wanted a definite answer from him.

After submitting their supplementary statement they were told again that the Colonial Secretary would not be able to make a decision on the affairs of Newfoundland while Parliament was in session. In any case, his decision would have to be communicated to the Governor before it was made public.<sup>2</sup> Undeterred, they asked Hume to use his influence, Hume complied by urging Newcastle to give the delegates some assurance as to the course he would recommend to the cabinet. They would not consider that they had fulfilled their instructions if they returned to the island without some more

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 2nd sess., 5 G.A., 1854, p. 54, Report of the Delegates.

<sup>2</sup>Ibid., p. 44, Henry Roberts, private secretary of Duke of Newcastle, to Delegates, August 1, 1853.

definite reply to their request. He mentioned that he himself had presented the petition of the Assembly to the House of Commons, but had merely "recommended it to the favourable consideration" of that body. While he was anxious that nothing more be said in the Commons, he was just as anxious that the delegates have an answer from His Grace.<sup>1</sup>

Newcastle promptly sent a private letter to Hume in which he took pains to explain why he could not announce a decision to Little and Parsons:

In the first place the toil and exhaustion of mind at the close of such a laborious Session are bad preparations for the consideration of a Constitutional change, -- and in the second place it must be manifest that any decision at which the Cabinet may arrive must be communicated to the Government of the Colony and not to Individuals (however respectable and trustworthy) in this Country.<sup>2</sup>

The delegates did not give up easily. They used threats. They warned Frederick Peel that the Newfoundland Assembly would not hesitate to follow the example of the Jamaican Assembly, if responsible government were not conceded.<sup>3</sup> They were "pledged to impose no more taxes on the people", until they were granted the management of their own internal

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<sup>1</sup>C.O. 194/140, p. 219, Hume to Newcastle, August 4, 1853.

<sup>2</sup>Ibid., p. 220, Newcastle to Hume, private, August 5, 1853.

<sup>3</sup>Earlier in 1853 the Jamaican Assembly had broken off all relations with the Council and had refused to vote the annual supplies. Cambridge History of the British Empire, II (1940), p. 711.

affairs.<sup>1</sup>

Eventually, Hume persuaded them not to press the Duke of Newcastle for any more definite answer than the "favorable assurance" he had given them on July 26.<sup>2</sup> They left England in August without a guarantee that responsible government would be granted. However, they were confident that in a short time the Colonial Secretary would announce the concession. They had been well received in London. Newcastle had even agreed to present the Assembly's address to the House of Lords. Their last request was that the Colonial Secretary's decision be published in the Newfoundland Royal Gazette. Newcastle, unwilling to have the correspondence close on "an ungracious note", did not inform them that this would be impossible.<sup>3</sup>

Back in Newfoundland, the Liberals waited until the middle of October for news of the concession. On October 17, Little and Parsons wrote to Hume asking him to remind the Colonial Secretary of his promise. If redress were not granted without delay, they warned, the Assembly would be forced to follow the course which had been adopted in Jamaica. The people of Newfoundland would not submit to being kept in

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<sup>1</sup>Newfoundland, Journal of the House of Assembly, 2nd sess., 5 G.A., 1854, p. 49, Report of Delegates. Account of their interview with Peel, August 9.

<sup>2</sup>Ibid., p. 52, Hume to Newcastle, August 12, 1853.

<sup>3</sup>C.O. 194/140, p. 265, Delegates to Newcastle, August 12, 1853, and minutes.

a state of suspense.<sup>1</sup>

Hume agreed that the "affairs of the East of Europe" notwithstanding, the colony ought not to be neglected.<sup>2</sup> He wrote to the Duke of Newcastle, but the Colonial Office evidently had forgotten all about the delegates.<sup>3</sup>

While the Liberals were expecting news momentarily, Governor Hamilton was telling the Colonial Office there was no need for hurry, and, in fact, that January would be early enough to send a despatch on the subject<sup>4</sup>. That the Conservatives were worried lest Newcastle should fulfil Liberal expectations is indicated by the Governor's letter of November 30, 1853, to Blackwood at the Colonial Office. If the Duke decided to grant responsible government, he wrote, there ought to be a dissolution, and the question should be submitted to the electorate. In addition, some provision should be made before a dissolution for government officers who might be displaced by the change.<sup>5</sup> Frederick Peel commented that the people had had an opportunity of voting on the responsible government question in 1852. In his opinion the new Assembly was quite

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<sup>1</sup>N.A., Little Papers, p. 144, Delegates to Hume, October 17, 1853.

<sup>2</sup>*Ibid.*, p. 149, Hume to Delegates, November 17, 1853.

<sup>3</sup>*Ibid.*, p. 152, Hume to Newcastle, November 18, 1853.

<sup>4</sup>C.O. 194/140, p. 51, Hamilton to Blackwood, November 3, 1853.

<sup>5</sup>C.O. 194/140, p. 113, Hamilton to Blackwood, November 30, 1853.

representative of public opinion.<sup>1</sup>

In December Little and Parsons wrote to Newcastle urging him to make an immediate decision. Governor Hamilton had issued a proclamation convoking the Assembly on January 31 and, they explained, the people expected to learn his views on responsible government at the opening of the legislature. They called their letter another "last appeal", for under the existing constitution it would be useless to attempt any legislation. "We fear," they concluded, "that according to our pledge to our constituents, we shall not be able to impose any further Revenue Bill on the country for the support of the present system."

Strangely, at this point, they brought up the subject of union with the other colonies:

If Newfoundland should be destined to form a link in a Federal or Legislative Union of the British North American Possessions, it is desirable that it should without delay be placed in the enjoyment of those privileges, the proper exercise of which would be necessary to prepare it for a full participation in the advantages of so great and desirable a change.<sup>2</sup>

Although the Colonial Office seemed to have done nothing about Newfoundland since August, they finally began to act in December. In view of comments that had been made

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<sup>1</sup>Ibid., p. 114, minute written by Frederick Peel.

<sup>2</sup>Newfoundland, Journal of the House of Assembly, 2nd sess., 5 G.A., 1854, pp. 60-61, Report of the Delegates, Delegates to Newcastle, December 14, 1853.

by various officials throughout the year it is not surprising that they decided to grant responsible government. In May, 1853, Merivale had expressed his disagreement with the Governor's conclusion that Newfoundland was not fit for the new system.<sup>1</sup> In August Newcastle himself, in directing his assistants to refer the delegates' statements to the Governor, had said they should lead Hamilton "rather to confirm than confute the desire of the Applicants".<sup>2</sup> Lastly, in December, Peel had disagreed with the Governor and had described the Assembly as "quite competent".<sup>3</sup>

Little and his party wanted to have responsible government introduced unconditionally and without delay. What they especially feared was the Conservatives' insistence on a subdivision of electoral districts. When the Duke of Newcastle finally did decide to grant responsible government several conditions were attached to the concession. These conditions can be traced directly to an executive member of the St. John's Commercial Society.

George T. Brooking, a prominent Newfoundland merchant visiting London, evidently learned from the Colonial Secretary in December, 1853, that responsible government was about to

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<sup>1</sup>C.O. 194/139, p. 135, minute written by Herman Merivale, May 28, 1853.

<sup>2</sup>C.O. 194/140, p. 248, minute written by Newcastle, August 1, 1853.

<sup>3</sup>Ibid., p. 114, minute written by Frederick Peel.

be conceded. He was given permission to submit suggestions which would render the new system, in his words, "less injurious to the welfare of the Colony" than apprehended by the Conservatives. His letter of December 20 to Newcastle contained five suggestions, all of which were to be accepted in principle.

The first was that the Legislative Council of Newfoundland should be increased to fifteen members, all nominated by the Crown. The second was that election expenses should be paid by the candidates themselves. Under the existing arrangement, the colonial treasury was charged with such expenses. The third suggestion was an increase of at least fifteen members in the Assembly, based on subdivision of districts. Brooking's fourth suggestion was that members of the Assembly should no longer be paid from the colonial chest. Instead, their allowance should come from local taxes to be levied in the electoral districts. He hoped that this would result in a gradual improvement of the "character" of the lower house. Some seats would probably be held by men willing to serve without "pecuniary reward". His last suggestion was that office-holders be permitted to keep their positions under any new system. In the event of their retirement as a result of the introduction of responsible government, they should be given pensions.<sup>1</sup>

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<sup>1</sup>Ibid., p. 186, Brooking to Newcastle, December 20, 1853.

On January 17, 1854, after reading Brooking's letter, Peel thought that the Assembly's address of the previous June ought to be answered, and responsible government conceded. The Assembly, however, would have to be informed that certain preliminaries, as suggested by Brooking, must be settled before the new system could come into operation. He was not aware, he said, why the "Government Party" in Newfoundland attached so much importance to a subdivision of electoral districts,<sup>1</sup> but apparently the Colonial Office would try to please everyone.<sup>2</sup>

Finally, at the end of January, the Duke of Newcastle "perused carefully" the correspondence on responsible government which had passed between the Governors of Newfoundland on the one hand, and Lord Grey, Sir John Pakington, and himself on the other. In a minute he explained why he was reluctant to disagree with the decision of his predecessors:

There are circumstances connected with the peculiar position of this Colony which render the proposed change unusually hazardous. It is perhaps about the severest test to which "responsible government" can be exposed. But the circumstances which militate against its adoption are not those which have hitherto been assigned by any Secretary of State or could with propriety be brought forward in a despatch -- the unhappy antagonism and nearly equal power of two religious Creeds.

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<sup>1</sup>This question is considered in Chapter IV.

<sup>2</sup>*Ibid.*, p. 189, minute written by Frederick Peel, January 17, 1854.

Nevertheless, Newcastle concluded that this was not a valid reason for making a distinction between Newfoundland and the rest of the North American colonies.

Lord Grey had refused to sanction the change at the end of 1851, because the Assembly had been about to be dissolved. He had determined to await the opinion of the new Assembly. The first act of that body, wrote Newcastle, had been to introduce into their reply to the Governor's speech a demand for responsible government. In view of this "Her Majesty's Government was not disposed to withhold from Newfoundland those Institutions and that form of Government which had been conceded to the other British Possessions in North America".

However, the efforts of Newfoundland Conservatives were not to go unrewarded. The Colonial Secretary, following the advice which had been given recently by Brooking and Peel, stated that some "preliminary changes" were obviously necessary. The changes mentioned by Newcastle differed only slightly from those suggested by Brooking a month earlier, and they were later included in the despatch drafted by Herman Merivale. The first one listed was the "indemnification of present holders of those offices which by the changes in question will be rendered liable to be vacated at the will of the majority of the Legislature". The remaining "indispensable" conditions were an increase in the number of elected representatives by

subdividing the existing districts, the defraying of election expenses by the "Members", the payment of members of the Assembly by local assessments, and an increase in the size of the Legislative Council.<sup>1</sup>

At the beginning of 1853 the Liberals had felt optimistic as they had set out to gain the support of the new Governor and to extract the desired change from the new British administration. Early in the year they had been disappointed by the Governor and angered by his Council. Now as they did not yet know of Newcastle's decision to concede responsible government, they were fast losing faith in the Colonial Secretary's intentions. By the end of January, 1854, although they themselves were not yet aware of it, the Liberals had achieved the main object of their pilgrimage to Whitehall. The principle of responsible government had been conceded; only the details remained to be worked out.

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<sup>1</sup>C.O. 194/139, p. 180, minute written by Newcastle, January 31, 1854.

Chapter IV

THE REPRESENTATION ISSUE, 1854

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Newcastle's decision to concede responsible government was recorded at the Colonial Office on January 31, 1854.<sup>1</sup> The despatch to Governor Hamilton was written on February 21, and it was not until March 23 that the news was received in Newfoundland. Undoubtedly the Colonial Secretary regarded the terms of his despatch as a compromise. On the one hand Governor Hamilton was opposed to his making any concession to the Assembly; on the other hand the Liberals demanded the immediate and unconditional introduction of responsible government. Unfortunately by the time this despatch reached Newfoundland Little and his followers were in no mood to compromise. They had expected the Colonial Secretary's reply to their petition at least six months earlier. Now that the principle of responsible government had been conceded the main problem was how to get the new system put into operation as quickly as possible. How would the Liberals react to Newcastle's despatch and the "preliminary conditions" which had emanated from a member of the odious "mercantile clique"?

At the opening of the legislative session in St. John's on January 31, 1854, the Liberal-dominated Assembly resolved to pass no further legislation under the existing form of government. When Governor Hamilton had given

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<sup>1</sup>C.O. 194/139, p. 180, minute written by Newcastle, January 31, 1854.

assurances that he had received no news from London, the House of Assembly adjourned until February 20, the day on which the next English mail was expected.<sup>1</sup> As they were again disappointed, on February 22 after passing addresses to the Duke of Newcastle and both Houses of Parliament, in which they prayed for the immediate concession of responsible government, the House adjourned until March 20.<sup>2</sup>

During the interval both the Liberals and the Conservatives made further representations to the Colonial Secretary. Little and Parsons, in a letter accompanying a copy of their report, urged him to end the "strong agitation and widespread discontent" which prevailed in the colony. Evidently the Liberals had heard about George T. Brooking's visit to London. The former Assembly delegates warned Newcastle against any "misrepresentations which may be made to you by a few mercantile monopolists in St. John's calling themselves the Chamber of Commerce". They explained that the Council and the Chamber of Commerce were combined to uphold the monopoly of power and trade which they had long enjoyed. The Liberals had heard of a "collusive effort" secretly made by them to influence the Colonial Secretary's judgment against the memorial of the Assembly.<sup>3</sup>

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<sup>1</sup>Newfoundland, Journal of the Assembly, Second session of the fifth G.A., p. 73, February 15, 1854.

<sup>2</sup>Ibid., p. 85, February 22, 1854.

<sup>3</sup>C.O. 194/143, p. 118, Little and Parsons to Newcastle, February, 1854.

On February 23 the Governor reported to Newcastle on the events of the session thus far. He observed that, while the suspension of business would produce a vast amount of mischief and distress, the Liberals were not likely to persevere in that course. In his opinion the Duke of Newcastle ought to disregard their proceedings. He hoped, however, that the Duke would think the crisis serious enough to warrant the interference of the Imperial government. In this event he felt that three alternatives presented themselves to the British administration:

... first the immediate unqualified concession of Responsible Government with its attendant evils and its injustice to the Protestant majority of the population; second, its concession after a partial subdivision of the electoral districts and an increase in the representation on a basis to be settled by Her Majesty's Government; and third, a return to the amalgamated form of Government.

The Governor did not attempt to hide his preference for the last alternative. In the meantime he earnestly suggested that the Imperial Parliament pass an act to continue the local Revenue Act for "one or two years". After that, the Assembly could be dissolved and there could be government by Governor and Council until the Home government decided what to do.

Unlike the Liberals, Hamilton thought the absence of any intimation of what Newcastle had decided was a "fortunate circumstance", as it would afford an opportunity

for the Protestants to lay before Her Majesty's government the expression of their opinion.

He wrote that private correspondence had led to a rumour that responsible government was to be conceded on certain conditions. If these conditions included "a fuller and fairer representation" in the Assembly, he feared that, as the Roman Catholics would not agree to any representation which did not secure their majority, the proposal would prove nugatory. Hamilton was trying to show the necessity of an Imperial Act for the continuance of the local Revenue Act. Such interference by the British Parliament would give him a better bargaining position and would nullify the Assembly's attempt to force the concession of responsible government.

At the same time the Governor forwarded a memorial from the Chamber of Commerce in which they reiterated their opposition to responsible government and answered the charges made against them by the Assembly delegates in 1853. They too prayed that the Revenue Act, shortly to expire, might be continued by an Act of the Imperial Parliament, to enable the Colonial Office to deal fully with the subject of responsible government. Hamilton pointed out that this demonstration by the merchants showed they had no desire to forward their own interests by allowing the lapse of the Revenue Act. He did not mention that the ulterior motive of those who recommended an Imperial Revenue Act was the defeat of the Assembly's

boycott.

Newcastle, awaiting the reaction of the colony to his despatch of February 21, made no comment on the Governor's despatch and the documents accompanying it.<sup>1</sup>

Before the arrival of Newcastle's despatch the Conservatives made a determined effort to resist the introduction of responsible government on Liberal terms. All along Hoyles' party had opposed the new system in principle. Now, perhaps, they had heard from Brooking that responsible government was to be conceded. It appeared they would no longer object to responsible government provided that it should be preceded by an increase of representation and subdivision of districts. They set out to prove that the majority in the Assembly did not truly represent the wishes of the majority of the population, the Protestants. In doing so they stressed the sectarian issue. In St. John's the minority members of the House of Assembly, feeling that more was required in the existing crisis than ineffectual opposition in the House, took the initiative in forming a large committee which contained representatives from every Protestant denomination. This Central Protestant Committee drew up anti-responsible government petitions for circulation in the outports, and appointed sub-committees to obtain signatures to a similar

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<sup>1</sup>C.O. 194/141, p. 18, Hamilton to Newcastle, February 23, 1854; and enclosures.

petition in St. John's.<sup>1</sup> In the ten days preceding March 23 the St. John's sub-committees procured the signatures of 1640 men out of a total population of between six and seven thousand Protestants.

Ker Baillie Hamilton gladly sent the Protestant petition to London. In a most partisan despatch he identified himself completely with the Protestants. The large number of signatures, he wrote joyously, "proved beyond contradiction" that the Protestants were entirely opposed to a change which they believed would place the government absolutely in the hands of the Roman Catholics.

Officials in the Colonial Office at this point gave their first indication of displeasure with Hamilton. Frederick Peel wrote that Governor Hamilton was "not a likely person to close the breach between the Religious Classes" in Newfoundland. Newcastle himself commented that the Governor seemed "bent upon identifying himself with all the religious differences of the Colony, the feuds of his own church as well as the rivalries of Protestants and Roman Catholics."<sup>2</sup>

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<sup>1</sup>N.A., G 3, 1, Protestant Circular and Petition, March 6, 1854.

<sup>2</sup>Newcastle here referred to the Governor's quarrel with the Anglican clergy in Newfoundland. See C.O. 194/140, p. 53, Hamilton to Newcastle, November 19, 1853 and enclosures; N.A. S 2, 67, p. 23, Incoming Correspondence of Colonial Secretary's Office, Bishop Feild to Crowdy, January 12, 1854; and C.O. 194/143, p. 276, Ernest Hawkins to Newcastle, April 22, 1854.

While the Colonial Secretary realized that the Home government was supposed to be influenced by the Governor's advice, he noted that his own motive, the "fair representation of all classes", had no connection with Hamilton's view.

The circular which accompanied the Protestant petition stated that responsible government without a subdivision of the more populous districts and an increase of representatives "fairly apportioned" would be highly dangerous to civil and religious liberties. Under the "present unfair scale of representation", it continued, "the Roman Catholic minority of the population have a majority in the Assembly, and the practical operation of Responsible Government would be, to vest in the Roman Catholic Clergy, by whose influence such majority are elected, the whole Legislative and Executive powers of the Local Government". If this "grand objection" to responsible government were removed, the circular read, other differences of opinion might be reconciled.<sup>1</sup>

The Liberals reacted to the effort by Conservatives to unite all Protestants in a combined appeal to the Imperial government by organizing a campaign of their own. Working through the Roman Catholic clergy, they obtained signatures to petitions asking for responsible government and free trade.<sup>2</sup>

<sup>1</sup>C.O. 194/141, p. 65, Hamilton to Newcastle, March 23, 1854, with enclosure and minutes.

<sup>2</sup>N.A., Little Papers, p. 176, Cummins to Little, March 17, 1854.

However, both campaigns were interrupted by the arrival on March 23, 1854, of Newcastle's despatch.

The Liberal delegation in 1853 had petitioned for the immediate and unconditional introduction of responsible government. Newcastle's despatch of February 21, 1854, conceded the principle, but attached conditions to its introduction.<sup>1</sup> Before the change could take place these prerequisites apparently would have to be met by the local legislature. But the Liberal-dominated Assembly had already announced their intention of transacting no further business under the existing representative system.<sup>2</sup> Would they adhere to this resolution, or would they attempt, with the Council, to carry out the Colonial Secretary's instructions? How would the deadlock be resolved?

The long-awaited despatch was met by the Conservatives with much rejoicing. As the Public Ledger pointed out,<sup>3</sup> its terms complied exactly with the prayer of the recent "Protestant petition". Governor Hamilton urged the Colonial Office not to abandon the principle of subdivision, which had been "so earnestly insisted on by the Protestants of the Country".<sup>4</sup>

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<sup>1</sup>See Appendix F, p.249.

<sup>2</sup>Express, February 11, 1854. Proceedings of the House of Assembly, February 9, 1854, P.F. Little's speech.

<sup>3</sup>Public Ledger, March 24, 1854.

<sup>4</sup>C.O. 194/141, p. 80, Hamilton to Newcastle, March 24, 1854.

In the meantime he had assured the Assembly of his willingness to cooperate with them in fulfilling the prerequisites set down by Newcastle.<sup>1</sup>

Little and his party were by no means pleased. Immediate action was taken. The mail steamer was delayed twenty-four hours to enable the Assembly to send a reply~~at~~ once to the Colonial Secretary.<sup>2</sup> Their hastily prepared address expressed gratification that the government had decided not to withhold the boon. Nevertheless, they thought some of the conditions "so objectionable as to render its introduction upon such terms utterly impracticable".

The Liberals did not disapprove of the provision for separate councils and an enlarged Legislative Council. They had taken this for granted. Nor did they mind having to vote pensions for displaced officials. Strenuous objections, however, were raised to the three remaining conditions: first, an increase in the number of representatives based on a general subdivision of electoral districts; second, the payment of Assembly members by local assessment; and third, the imposition of election expenses on the candidates. To convince the Duke of Newcastle that the Assembly were willing to meet his suggestion concerning reapportionment, the address stated

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<sup>1</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A. March 22, p. 87.

<sup>2</sup>Ibid., p. 90.

that they would again try to bring the Council to terms on the subject of representation. But as these objectionable conditions had not been attached to the concession of responsible government in any of the neighbouring colonies, they hoped to see them withdrawn.<sup>1</sup>

The Conservative minority tried unsuccessfully to amend the Liberal address. For they maintained, if responsible government were inaugurated without a subdivision, it would be useless to expect a Roman Catholic-dominated Assembly to increase representation fairly. The fact that Hoyles' amendment did not refer to the other conditions shows that the principal issue was subdivision.<sup>2</sup>

As there was little hope that the Duke of Newcastle would comply with their request, however, the Assembly attempted to carry out most of Newcastle's conditions. The Liberals had already indicated their willingness to provide retiring allowances for government officials. Consequently, only the details of this problem had to be settled. The requirement that members be paid by levying a local tax they decided to ignore. The provision that candidates pay their own election expenses was to be included in the representation bill.

As a first step towards passing a retiring allowance bill, the Assembly asked for a statement of the Governor's

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<sup>1</sup>Ibid., March 24, pp. 92-94, Address to the Colonial Secretary.

<sup>2</sup>Ibid., p. 94.

views.<sup>1</sup> Hamilton replied that the offices liable to be vacated were those of the Colonial Secretary, Attorney General, Surveyor General and Solicitor General. He recommended that the office of Treasurer and that of Collector of Revenue be regarded as non-political.<sup>2</sup>

The Assembly, feeling that the scale of compensation proposed by His Excellency was too high, made suggestions of their own. Under their plan, the Colonial Secretary was to receive an annual pension of £400, the Surveyor General £285, and the Attorney General £140. The Solicitor General, Hugh Alexander Emerson, was under suspension. They felt, however, that if he should be restored, he would be entitled to £90 a year.

They rejected Hamilton's recommendation concerning the offices of Treasurer and Collector of Revenue and decided that even though these offices were subject to political changes, neither the Collector, John Kent, nor the Treasurer, Robert Carter, was to be granted a pension. Both officials had been appointed in 1849, and the Assembly assumed they had been notified that their offices were held by political tenure.<sup>3</sup>

Governor Hamilton objected to the Assembly's

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<sup>1</sup>Ibid., March 29, 1854, p. 102, Address to the Governor.

<sup>2</sup>Ibid., April 6, p. 116, Governor's reply.

<sup>3</sup>Ibid., June 3, 1854, pp. 203-204, report of select committee. For political tenure see Chapter 1, p. 26.

proposal with respect to the Attorney General. They had based the amount of his pension on his eight years as Attorney General. The Governor felt this was unjust as, before his 1846 appointment to this post, Edward Mortimer Archibald had served the Colony for almost fifteen years as Chief Clerk and Registrar of the Supreme Court.<sup>1</sup> His Excellency urged the Assembly to compensate him for the whole period of his service.<sup>2</sup> However, since the Governor and the Council at this time were displaying an unwillingness to come to terms with the Assembly on the representation issue, the Liberal majority saw no reason why they should increase the Attorney General's pension. Thus, when the session ended on June 14, no retiring allowance bill had been passed.

Most of the lengthy legislative session had been spent by both houses in discussing the representation question. It had long been evident that an increase was necessary for the efficient working of responsible government. The Liberals, who had returned a majority in the 1852 election, proposed to enlarge the Assembly by doubling the number of members for each district.<sup>3</sup> The Conservatives, speaking in terms of religious denominations, insisted that the existing division

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<sup>1</sup>"Blue Book", 1840, p. 88, and 1846, p. 88.

<sup>2</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A. June 7, p. 216, reply of Governor to address on retiring allowances.

<sup>3</sup>For the 1852 returns, see Appendix G, Table I, p. 253.

was unfair. Roman Catholics, they complained, could return a majority to the Assembly even though they were a minority of the population. To remedy this, they maintained that the increase ought to take place by sub-dividing the districts in such a manner that Protestant influence would predominate. In 1853 the Liberals, finding that the Council would pass no representation bill unless it was based on subdivision, had advocated the granting of responsible government without an increase. Apparently heeding the Conservative Brookings's suggestion, Newcastle had made an enlarged Assembly based on subdivision of districts a prerequisite to the introduction of the new system.

There had been no change in the distribution of seats since 1832. Preceding the institution of representative government in that year a royal proclamation had been issued on July 26, which divided the island into nine districts to be represented by fifteen members.<sup>1</sup>

Three sections of coastline seem to have been excluded: the French Shore, from Cape St. John to Cape Ray; the region from Cape Freels to a point due south of the eastern extremity of Fogo Island; and the south coast from Bonne Bay west to Cape Ray.<sup>2</sup> No attempt had been made after 1832 to

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<sup>1</sup>Journal of the Assembly, 1833, first session of first G.A., p. 1, royal proclamation, July 26, 1832.

<sup>2</sup>See Appendix G, Table II, p. 254 and Fig. 1, p. 268.

include the seeming gap between the districts of Bonavista and Fogo. Even in the 1854 Representation Act the boundaries for these districts were unchanged.<sup>1</sup> Thus, it would seem either that in 1832 this part of the coast had been uninhabited, or that the district of Fogo was understood to extend southeast as far as Cape Freels. The census of 1857, the earliest detailed census available, shows that several hundred people lived in the area, and that they were included by the census-takers in Fogo district.

Neither the French Shore nor the south coast west of Fortune Bay had been included in the 1827-1828 census, the last one before the proclamation of 1832.<sup>2</sup> Representation of the French Shore would have meant acknowledging the settlements there. Such a step would have been regarded by France as a violation of the Treaty of Versailles (1783), and would, therefore, have proved embarrassing to the Colonial Office. Despite its isolation the southwest coast was inhabited.<sup>3</sup> In 1852 H.W. Hoyles advocated the creation of a south coast district to be called Burgeo and LaPoile, but unless there was a general increase the Liberal majority in the Assembly would not agree to the creation of a new district

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<sup>1</sup>Newfoundland Acts, 1852-55, p. 105, 18 Victoria, c. 3.

<sup>2</sup>See Appendix G, Table III, p. 255.

<sup>3</sup>Edward Wix, Six Months of a Newfoundland Missionary's Journal (London, 1836). Wix visited many settlements on the south-west coast in 1835.

in which the population was overwhelmingly Church of England and hence, presumably, Conservative.<sup>1</sup>

It is unlikely that the 1832 distribution had been based on religion. Political parties had not yet been organized. Moreover, the plan had been made by the Colonial Office, not by the local government.<sup>2</sup> But if it was supposed to have been based on population the census returns of 1827-1828 could not have been available. Bonavista Bay, which according to that census had a population of 4,671, had been allotted one member; whereas, Placentia and St. Mary's, with a population of 3,649, had received two.<sup>3</sup> The Colonial Secretary had admitted to Governor Cochrane that the information he had been able to acquire in the United Kingdom might have been defective.<sup>4</sup> In any case, the districts established in 1832 had been more geographical than denominational.

Before long the Assembly had expressed dissatisfaction with the system of representation. In 1834 a bill had been passed which provided for twenty-four districts and twenty-five members. It had been introduced by a Roman Catholic, supported by several Protestants, and had passed the Council

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<sup>1</sup>Journal of the Assembly, 1852, January 30, p. 13.

<sup>2</sup>Ibid., 1852, Appendix, p. 300, copy of despatch, Goderich to Cochrane, July 27, 1832.

<sup>3</sup>Compare Appendix G, Table II and Table III, pp. 256-255.

<sup>4</sup>Goderich to Cochrane, supra.

without amendment.<sup>1</sup> Clearly, this first attempt to enlarge the Assembly had not been motivated by sectarian considerations. Some of the representatives had felt that a fifteen member Assembly was inconveniently small. Probably, as well, they had believed its smallness diminished its importance as compared with bigger Assemblies in some of the neighbouring colonies. The bill was disallowed by the Imperial government on Cochrane's request, to enable the existing constitution to receive a fair trial. The Governor did not explain why he thought an enlarged legislature would impair the successful working of the constitution.<sup>2</sup>

The first House had had a Protestant majority. The election of 1836, however, had been fought along party lines and had resulted in a Roman Catholic, or Liberal, victory. Having discovered that the existing division was to their advantage, the Liberals did not want an increase in the number of districts. Subsequent proposals on their part provided for an increase by doubling the existing number for each district, thereby doubling their own majority. The Conservatives, speaking for the Protestant majority of the population, felt they should have a majority in the Assembly. Under the 1832 distribution, five districts returning eight of the fifteen

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<sup>1</sup>Journal of the Assembly, 1834, February 10, p. 17, and May 26, p. 158.

<sup>2</sup>C.O. 194/88, p. 180, Cochrane to Spring Rice, October 22, 1834.

members had been predominantly Protestant.<sup>1</sup> The Conservatives attributed the Liberal majorities in 1836 and in subsequent elections to intimidation and violence on the part of Roman Catholics. They hoped, by subdividing certain districts, to reduce Roman Catholic membership. The Liberals argued that if all Protestants voted for Protestant Conservatives there would be no Roman Catholic Liberal majority in the Assembly.

The representation issue had been prominent in 1844. In that year Richard Barnes, a Conservative, had introduced in the amalgamated house a bill to amend the constitution. A main feature of the bill, to which the Liberals had objected, was a plan for enlarging the Assembly by subdividing districts. Strong sectarian feelings had been expressed by both sides in the discussion. Although the bill had been supported by the Conservative majority, it had been withdrawn on Governor Harvey's advice after many days' debate. Liberal resistance to the measure had threatened to obstruct all other business.<sup>2</sup>

The restoration of the old form of representative government in 1848 had not been accompanied by a redistribution of seats. Not until 1850, when a Liberal bill passed the Assembly, had the subject been revived.<sup>3</sup> That bill, however,

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<sup>1</sup>See Appendix G, Table IV, p. 256.

<sup>2</sup>Journal of the Assembly, 1844, April 11, p. 107.

<sup>3</sup>Ibid., 1850, April 18, p. 150.

had been lost in the Council.<sup>1</sup>

After 1850 the representation issue had grown in importance side by side with the responsible government movement. Advocates of responsible government knew that the system could not work efficiently with a House of only fifteen members. P.F. Little, in his 1850 election address, had promised to work not only for responsible government, but also for an immediate increase in the number of representatives.<sup>2</sup> The bill which he had introduced early in the 1851 session had been defeated by the Conservatives.<sup>3</sup> The following year, while several Conservatives were absent, a similar bill had passed the lower House, only to be lost in the Council.<sup>4</sup> The Liberal bills of 1850, 1851 and 1852, with one exception, would have left the electoral districts as they had been established in 1832. The Council in 1852 had put forth a plan which called for the subdivision of two districts, St. John's and Conception Bay.<sup>5</sup>

After the 1852 election Little had been determined to settle the question. When it had become obvious that the

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<sup>1</sup>Journal of the Council, 1850, April 27, p. 61.

<sup>2</sup>Patriot, September 21, 1850.

<sup>3</sup>Journal of the Assembly, 1851, March 12, p. 84.

<sup>4</sup>Ibid., 1852, February 23, p. 46, and March 31,

p. 93.

<sup>5</sup>Ibid., March 31, pp. 94-96.

Council would insist on subdivision, the Liberal Assembly, in "a spirit of conciliation", had passed what they called a "compromise bill". Without doubt their conciliatory spirit had been effected by Lord Grey's reply to their 1851 demand for responsible government. "One obstacle among others," he had written, "to a compliance with the desire of the Assembly is the present very limited number of its Members."<sup>1</sup> Under the "compromise bill" of 1853, the House of Assembly was to have consisted of twenty-eight members. Conception Bay was to have been subdivided into five separate districts represented by a total of seven members.<sup>2</sup>

The Council, while concurring with the Assembly on the expediency of increasing the number of representatives, had seen no justice in the bill. Both branches evidently regarded the distinction between Protestant and Roman Catholic election returns as a primary consideration in forming the basis of a redistribution. The Council, moreover, held that the colony was divided into not two, but three denominations -- Church of England, Roman Catholic, and "Protestant Dissenters". As the non-Roman Catholics did not always hold the same political views, the Conservatives maintained that Protestant districts should be given a higher proportion of members than the closely united Roman Catholic districts. In accordance

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<sup>1</sup>N.A., G. 1, 22, Governor's Office, Despatches from the Colonial Office, Grey to LeMarchant, December 16, 1851.

<sup>2</sup>Journal of the Assembly, 1853, March 28, p. 102.

with this view, the Council had amended the 1853 bill.<sup>1</sup>

The Liberals had argued that the Council's amendments were "calculated to secure the present sectarian ascendancy of the Episcopalian denomination in the Government of the colony, and to throw an undue proportion of the representation into mercantile hands".<sup>2</sup> Neither side would recede. As a result, the bill had been lost.

In 1854 the representation issue was of vital importance, because Newcastle had conceded the principle of responsible government. If the Liberals won the next general election, they would form the first responsible administration. The local Conservative oligarchy had much to lose. They were determined, therefore, to obtain a redistribution which would ensure a Protestant Conservative victory at the polls. The Liberals, on the other hand, were determined not to allow the redistribution to diminish their own influence in the Assembly.

Even though they felt it was useless to try to come to terms with the Council, the Assembly on April 11, 1854, passed a new representation bill.<sup>3</sup> It proposed to increase the number of representatives to twenty-nine. LaPoile was

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<sup>1</sup>Journal of the Assembly, 1853, June 10, "Instructions" of Council to "Managers" of conference with Assembly, pp. 273-279.

<sup>2</sup>Ibid., May 21, Report from select committee on representation bill, p. 238.

<sup>3</sup>Ibid., 1854, 2nd sess. 5th G.A., April 11, p. 119.

to be a separate district. Conception Bay, composed of five separate districts, was to return seven members. A new "concession" to the Conservatives was a provision to subdivide St. John's. The boundaries, however, were not drawn in such a way as to make likely a Conservative victory. The Protestant district of Trinity was allotted three representatives instead of the two proposed in the 1853 bill.<sup>1</sup> Conception Bay and St. John's were the only districts the Council in 1853 had sought to divide.

The suggested redistribution, stated the Liberals, would give the electorate the "power of returning" fourteen Roman Catholics to represent a total population of 46,775, and fifteen Protestants to represent a total population of 49,521. This fact was based on the assumption that the people would vote along denominational lines; for though they continued to protest the emphasis on religion, the Liberals argued that a denominational basis of representation had been forced upon their consideration by the Council. They themselves chose to speak in terms of "mercantile" and "popular" districts, and of "liberal" and "conservative" parties. Probably, they maintained, the number of Protestants returned under the bill would be much larger than fifteen, as Roman Catholic districts would, doubtless, continue to elect "independent" Protestants.

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<sup>1</sup>See Appendix G, Table VI, p. 258 . In spite of Newcastle's instructions there was no clause in the 1854 bill relating to election expenses.

They assumed that Burin, which had a small Protestant majority, would return two Protestants, although in several former elections a Roman Catholic Liberal had been elected in that district. Obviously, they could offer no "assurance" that under the new bill Burin would not return at least one Roman Catholic.<sup>1</sup>

While the Assembly had consented to the principle of subdivision, they apparently were not convinced that such a course was really necessary, feeling as they did that the 1832 distribution had been fair.<sup>2</sup> Altogether, in five general elections, thirty-nine Protestants and thirty-six Roman Catholics had been elected. The Council's demand for subdivision, claimed the Assembly, was based on "alleged sectarian grounds, not distinct... from mercantile and official interests".<sup>3</sup> They maintained that the electorate was not exclusively influenced by sectarianism. In recent years the only point on which a sectarian difference had arisen was that of education. That had been a disagreement, not between Protestants and Roman Catholics, but between Anglicans and Wesleyans.<sup>4</sup>

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<sup>1</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A., pp. 190-192.

<sup>2</sup>See Appendix G, Table V, p. 257.

<sup>3</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A., p. 195.

<sup>4</sup>A reference to the 1852 question of subdividing the Protestant education grant. See Journal of the Assembly, 1852, Index, p. xxxii, list of petitions from "Clergymen and others of the Church of England", for a further sub-division of the Protestant Education Grant; and p. xxxiii, petitions "against any further sub-division of the Education Grant".

Under the 1832 electoral division, control of the Assembly had usually depended on the results in Burin and Conception Bay. The 1845 census showed that Conception Bay had 16,446 Protestants and 11,570 Roman Catholics. Yet it invariably returned two Protestants and two Roman Catholics. Burin, a one member district with 2,407 Protestants and 1,951 Roman Catholics, had in 1852 returned a Roman Catholic Liberal. The Conservatives gave as a reason for this that "in election contests, the Roman Catholics were always ready to resort to violence and intimidation, to which the Protestants will never have recourse."<sup>1</sup> The Liberals, on the other hand, attributed their victory to the liberal-mindedness of the electors in Burin and Conception Bay. Undoubtedly, a contributing factor was that a large minority of the Protestants in both districts were Wesleyans, who did not always vote with the Church of England men. This the Council admitted, maintaining that the Protestants, because they were not united, ought to have a higher proportion of members than the Roman Catholics, "who act in a thorough union".<sup>2</sup>

Thus the Assembly's bill of 1854 proved to be unacceptable to the Council, who amended it by assigning three members instead of two to the Conservative district of

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<sup>1</sup>C.O. 194/143, p. 260, "Case of the Protestant Inhabitants of Newfoundland," enclosed in Hoyles to Grey, July 12, 1854.

<sup>2</sup>C.O. 194/143, p. 236, Council delegates (Archibald and Row) to Grey, August 7, 1854.

Bonavista, and by taking one member from the Liberal district of Placentia and St. Mary's, leaving it with only two. They felt that Bonavista should have three members and Placentia-St. Mary's two, because Placentia and St. Mary's had only 6,473 inhabitants, whereas Bonavista had 7,227. They manipulated the boundaries of the several Conception Bay constituencies to make more certain the return of four Protestants and three Roman Catholics.<sup>1</sup> Under the Assembly's bill, Burin had been allotted two members. The Council feared that the district would return two Roman Catholics. Ostensibly to ensure the representation of the Roman Catholic minority, but actually to make sure that at least one Protestant would be elected, they recommended a system of cumulative voting for the district. The principle of permitting voters to give two votes to one candidate, or one vote to each of two candidates had been suggested to the Conservatives unwittingly by the Liberals. The report of the 1853 Liberal delegation had mentioned Frederick Peel's proposal that cumulative voting be adopted in Newfoundland.<sup>2</sup> The Council added to the bill a section which provided that election expenses be paid by the candidates themselves.<sup>3</sup> They had strong objections, they

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<sup>1</sup>See Appendix G, Table VII, p. 260.

<sup>2</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A., Report of the delegation to London in 1853, p. 49.

<sup>3</sup>Journal of the Council, 1854, 2nd sess. 5th G.A., Council amendments, May 12, pp. 50-51.

said, to other provisions in the Assembly's bill. Nevertheless, they were willing to overlook these, if the Assembly would accept their plan for Burin. Now, stated the Council, the bill would effect the object the Assembly professed to have in view, the return of fourteen Roman Catholics and fifteen Protestants. Thus, altered and amended, the bill was returned to the lower house.

Anxious as they were to see responsible government introduced before the year was out, the Liberals made a further concession. They consented to the third member for Bonavista. At the same time, they restored the member whom the Council had taken from Placentia and St. Mary's. They objected to the novel principle applied by the Council to Burin. Its application, they claimed, would only tend to promote "mercantile interests and sectarian differences".<sup>1</sup> The Assembly amended the Council's provision regarding election expenses, substituting a much lower scale. With these further amendments, the Liberals stated, the bill would secure the return of sixteen Protestants and fourteen Roman Catholics.<sup>2</sup>

On May 19, 1854, the bill was sent a second time to the Council, which subsequently requested a conference with the popular branch. At the conference on May 29 the Council's

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<sup>1</sup>Journal of the Assembly, 1854, 2nd sess., 5th G.A., May 29, p. 189, address of Assembly to Governor.

<sup>2</sup>See Appendix G, Table VIII, p. 262.

position was set forth. They would consent to the Assembly's amendment which limited the expenses to be incurred by candidates at elections. The remaining amendments, including the provision of a third member for Placentia and St. Mary's, they rejected. They refused to withdraw their plan for Burin.<sup>1</sup>

The Liberals, having decided that the Council's reasons for not concurring in the Assembly's amendments were unsatisfactory, refused to recede from their stand. More conferences were held, but no agreement was reached. In these conferences, the Assembly continued to associate the Council with "mercantile interests" and the "conservative or obstructive party". They protested against the "undue prominence" given to denominational distinctions. The Council, for its part, objected to the Assembly's use of such "peculiar appellations" as liberal and conservative, and requested the lower house to "abstain from the use of them in the communications between the two branches". So far as the Council was concerned, there were no political parties in Newfoundland, in the British sense of the term.<sup>2</sup> The Liberals depicted themselves as the champions of the "operative population" against the merchants, whose influence they felt had predominated in the government

<sup>1</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A., pp. 186-188, Council's "Instructions" to their conferees on the representation bill.

<sup>2</sup>Journal of the Council, 1854, 2nd sess. 5th G.A., June 3, p. 72, Council's "Instructions" to conferees on representation bill.

since 1832.<sup>1</sup>

On May 29, when it was evident that the Council were not going to bow to their wishes, the Assembly sent a message to Governor Hamilton, urging him to mediate in the dispute and to induce the Council to come to an agreement.<sup>2</sup> John Kent, the Speaker, then received a note from the Colonial Secretary, James Crowdy, which stated that the Governor declined to receive the address. Immediately after this, Kent suggested to His Excellency that the parliamentary course was to receive the delegation appointed by the House, and to deliver his opinion on the subject. According to the Speaker, Hamilton agreed to adopt this course. On the Governor's request, the Speaker returned Crowdy's note, without having communicated it to the House. The Governor then handed to P.F. Little, leader of the Assembly deputation, the following reply:

I decline to comply with the request contained in this Address, which solicits an unconstitutional interference on my part, with an independent branch of the Legislature.<sup>3</sup>

Somehow, the Liberals learned about the first note. The House went into a committee of the whole on privilege,

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<sup>1</sup>Journal of the Assembly, 1854, 2nd sess. 5th G.A., June 5, p. 211.

<sup>2</sup>Ibid., May 29, p. 189, address of Assembly to Governor.

<sup>3</sup>Ibid., May 31, p. 202.

with "reference to a written Message alleged to have been officially received by the Speaker from the Governor, on the subject of the Representation Bill, and alleged to have been returned to His Excellency at his request, without the consent of the House". Witnesses were called and evidence was heard, but no drastic action was taken. To the displeasure of the Liberal party, John Kent was still playing the role of conciliator between the Governor and the Assembly. The committee came to the following conclusion:

Resolved, -- That the withdrawal of that communication without the consent of the House, was a serious breach of its privileges; but as Mr. Speaker has declared that he did not conceive that he was infringing its privileges, but acting from a desire to prevent a collision between His Excellency and this House, it is therefore the opinion of this House, that his explanation for the course he adopted be accepted as his apology.<sup>1</sup>

Governor Hamilton's refusal to mediate in the quarrel further alienated him from the Liberal majority in the House of Assembly. In addition this incident helped to convince the Colonial Office that he was not the man to introduce responsible government, that Newfoundland would be better off without him. After receiving his message on May 31, the Liberals became bolder and more desperate. The Council, apparently with Hamilton's blessing, would not retreat. There was nothing left for the Assembly to do but force the issue.

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<sup>1</sup>Ibid., Appendix, p. 218.

By this time the legislature had been in session more than five months. While the Liberals had not adhered completely to their resolution not to transact any business under the existing system, they had made few exceptions. Among the legislation which had passed both houses was a revenue bill, a bill to incorporate the London, Newfoundland and New York Electric Telegraph Company, and a loan bill. The Liberals had rejected several measures brought in by the Conservative opposition. Neither a road bill, an education bill, nor a supply bill had been passed.

On June 8 the lower house adopted a series of resolutions condemning the Council. They announced the Assembly's intention, in view of the Council's determination to prevent the introduction of responsible government, to withhold the supplies necessary to carry on under the existing system.<sup>1</sup>

Two days later they passed an address to the Duke of Newcastle which embodied the resolutions of June 8. It also contained a plea for the immediate introduction of responsible government with the understanding that, on the formation of a new Council, a representation bill, similar to that recently adopted by the Assembly, would be passed and put into operation. Similar addresses were prepared for both

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<sup>1</sup>Ibid., June 8, p. 222.

Houses of Parliament. On the same day, P.F. Little, G.H. Emerson and R.J. Parsons were appointed delegates to Her Majesty's government, "to advocate the views of the Assembly".<sup>1</sup>

On learning of the Assembly's action, the Council prepared an address to the Colonial Secretary, in which they presented "a statement of facts and motives" that had influenced their proceedings".<sup>2</sup> The Council, too, decided to send a delegation to London.<sup>3</sup>

However, the Duke of Newcastle was no longer Colonial Secretary. Upon the separation of the War Office from the Colonial Office early in June, he had become Secretary for War. The new Colonial Secretary was Sir George Grey.<sup>4</sup>

Although the question of responsible government had dominated the legislative session in Newfoundland, Whitehall had had little reason to be concerned with that particular issue. Governor Hamilton had written to Newcastle in March, after receiving his February 21 despatch; but from March to July, 1854, the Colonial Office heard "not a word" from him. On June 28, when the delegates' letter of December 14, 1853, came to his attention, Sir George Grey did not even know that

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<sup>1</sup>Ibid., June 10, pp. 223-228.

<sup>2</sup>Journal of the Council, 1854, 2nd sess., 5th G.A., June 13, pp. 81-83.

<sup>3</sup>Ibid., June 14, p. 86.

<sup>4</sup>See Appendix A, p. 233.

responsible government had been conceded.<sup>1</sup>

Frederick Peel, the Parliamentary under-secretary, much of whose knowledge was derived from Newfoundland newspapers, brought the new Secretary up to date. In a minute to Sir George Grey he wrote that two of the conditions (payment of candidates' expenses from their own pockets, and payment of members by local assessments instead of from the general revenue) had not been made prerequisite to the granting of responsible government elsewhere than in Newfoundland. There, however, it had been "absolutely necessary", because of the state of the colony's finances. But the real difficulty, stated Peel, had arisen out of the fifth condition, an increase in the number of representatives by subdivision of the existing districts. It was feared that if the districts were subdivided, the "Protestant party" would get the upper hand and continue to hold office; whereas, if the number were increased simply by doubling the representation of each district, the Roman Catholics would have more than a fair weight in the Assembly.<sup>2</sup>

Meanwhile in Newfoundland Governor Hamilton, having learned that the Liberals did not intend to pass a supply bill, had prorogued the legislature on June 14. Afterwards

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<sup>1</sup>C.O. 194/143, p. 405, Grey to Peel, minute, June 28, 1854.

<sup>2</sup>Ibid., Peel to Grey, pp. 406-412.

he had written to the Colonial Secretary describing the fruitless attempt which had been made to carry out the conditions of the February 21 despatch. He had announced that, as a result, both branches were to send delegates to London. The Assembly's request for his mediation he had described as "very absurd". They had refused to grant the supplies, he had written, because the Roman Catholics were determined to "coerce the Government into the immediate concession of Responsible Government on their own terms". Hamilton felt that a representation bill ought to be passed by the Imperial Parliament. The Governor's concern over the new system was expressed in the closing sentence:

After all, assuming the question of representation to be settled, how a Government is to be carried on by a majority of one, in a House of twenty-nine members, when the excited antagonism of two rival creeds, and the intolerance of control which characterizes those by whom the Roman Catholic Members are returned, forbid all hope of compromise, is a problem which the future must solve.<sup>1</sup>

In commenting on this despatch Frederick Peel ventured the opinion that the future would not solve the problem satisfactorily, unless Governor Hamilton were suspended. All the controversies between the two houses, he thought, would have been avoided if the Governor had been "a moderate and sensible man". Hamilton wanted to solve his difficulties

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<sup>1</sup>C.O. 194/141, pp. 137-143, Hamilton to Newcastle, June 14, 1854.

by an act of Parliament, but Peel was convinced that Imperial legislation was out of the question. If His Excellency distrusted his ability to work the new system, he had better be replaced. Peel, perhaps because of his meetings with Little and Parsons in 1853, was clearly on the Assembly's side. It provoked him to think that only the Governor's tactlessness had enabled the "insignificant points still at issue" to cause an indefinite postponement of the whole measure. There would have been nothing "very absurd", he felt, in Governor Hamilton's inducing the Council, who were his own Executive Council as well, "to abstain from pushing to extremity the little point" on which they had taken their stand.<sup>1</sup>

During the summer of 1854 representatives of both parties went to London. On the Liberal side, P.F. Little and G.H. Emerson were Assembly delegates. Their object was to persuade the British government to introduce the new system without a preliminary enlargement of the Assembly. On the Conservative side, the official Council delegates were Hon. E.M. Archibald and Hon. W.B. Row. Hon. C.F. Bennett, another member of the Council, and H.W. Hoyles, the Conservative leader in the lower house, who was acting Solicitor-General, were also in London. It was their object to oppose the Liberal demand and to insist upon adherence to Newcastle's

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<sup>1</sup>Ibid., pp. 143-144, minute, Peel to Grey, July, 1854.

conditions.

The official delegates from both the Assembly and the Council managed to obtain the ear of the Colonial Secretary. Even Bennett, who represented the reactionary mercantile element in the upper house, was granted an interview.<sup>1</sup> It may be said, however, that Hoyles was snubbed by the Colonial Office. He presented himself, neither as a member of the Assembly, nor as acting Solicitor General, but as the representative of the "Protestant Inhabitants of Newfoundland." The printed statement of the Protestant "case" which he presented insisted that the problem had been caused solely by conflicting religious interests.<sup>2</sup> Little and Emerson complained about Hoyles' presence in London. They said that he represented only his "few mercantile friends" who had privately nominated him and subscribed to pay his expenses.<sup>3</sup> They need not have worried. Hoyles, they were assured, had not addressed the Colonial Secretary "in any public capacity", nor was he understood by Sir George Grey to be the representative

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<sup>1</sup>C.O. 194/141, p. 209, minutes, Blackwood to Grey, and Grey to Blackwood, July 26, 1854.

<sup>2</sup>C.O. 194/143, p. 253, July 12, 1854, "Case of the Protestant Inhabitants of Newfoundland against the unconditional concession of Responsible Government, as set forth in a letter to Sir George Grey from H.W. Hoyles, M.H.A. of Newfoundland".

<sup>3</sup>C.O. 194/143, p. 165, August 17, 1854. Little and Emerson to Grey.

of any party in the colony.<sup>1</sup>

Although Archibald and Row were granted interviews with Grey and with the permanent undersecretary, Herman Merivale, they were less active than the Liberal delegates. Moreover, the Council's case was weaker than that of the Assembly. Their object in London was merely to defend their stand on the representation issue. The Liberals, in contrast, were making a new demand for the immediate dissolution of the Council. Archibald and Row received no encouragement from the Colonial Secretary who disliked their emphasis on sectarianism and disapproved of their plan for Burin.<sup>2</sup>

While it is evident that the Conservatives still had an ally in Sir John Pakington, they had no agent on the government side who could counteract the influence of the Liberal champion, Joseph Hume. Despite his age, Hume seemed to be a man whom the Colonial Secretary would rather have as a friend than as an enemy. Knowing this, Little did not hesitate to use the threat that, if the Liberals failed to obtain their goal, Hume would bring the affairs of the colony before Parliament. The Liberals, besides, were promised

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<sup>1</sup>Ibid., p. 168, August 31, 1854, Merivale to Little and Emerson. This letter is printed in Journal of the Assembly, 1854, third session of the fifth G.A., p. 58, delegates' report.

<sup>2</sup>Journal of the Council, 1854, 3rd sess. 5th G.A., Appendix 6, pp. 73-81, report of Council delegates.

support<sup>1</sup> by such well-known Parliamentarians as Cobden<sup>2</sup> and Bright.<sup>3</sup>

Frederick Peel reportedly told Little that he considered the Assembly's representation bill "fair and reasonable", and that the Governor might, with propriety, have acted as a mediator between the Assembly and the Council. He advised them to give way on the point of the Attorney General's pension. Little explained that this might have been settled, if Archibald had not been the "admitted leader of the most obstructive party in the Council". As such he was not entitled to any "special favor" from the Assembly.<sup>4</sup>

Whatever the Assembly might do as to Archibald's retiring allowance, the delegates informed Sir George Grey, they were determined to make no further concessions in their representation bill. "It will be perfectly useless", they said, "for the Imperial Government to send us back to the Colony to tell the people that their representatives must again [make an] effort to appease the Council." They demanded the immediate dissolution of the Council, to be followed by the "absolute concession" of responsible government. After

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<sup>1</sup>Journal of the Assembly, 1854, third session of the fifth G.A., delegates' report, pp. 43, 45.

<sup>2</sup>Cobden, Richard (1804-1865). (D.N.B., IV, 604-610).

<sup>3</sup>Bright, John (1811-1889). (D.N.B., XXII, 273-291).

<sup>4</sup>Journal of the Assembly, 1854, 3rd sess. 5th G.A. report of delegates, pp. 8, 9.

the appointment of two separate councils, the Assembly would pass the pension and representation bills. The general election, they maintained, should take place in the autumn.<sup>1</sup>

Each delegation had sent in a formal statement of its views, and each was anxious to know what the other had said. Sir George Grey permitted them to see each other's written representations, but he decided not to become involved in "controversial correspondence" with the deputations. He intended to dispose of the question by means of a despatch to the Governor and he hoped that, as the dispute was only on points of detail, it could easily be adjusted. He himself was inclined to think that the Assembly was right. Accordingly, he directed Merivale to draft a despatch to Governor Hamilton, intimating that if the difficulties continued, it might be necessary to make changes in the Council. The Governor should be strongly urged to endeavour to reconcile the conflicting parties.<sup>2</sup>

Little and Emerson reluctantly agreed to consider Grey's plan. The Colonial Secretary apparently had assured them that, after the Governor received his instructions, there would be no further trouble. They would certainly not have to

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<sup>1</sup>C.O. 194/143, p. 158, Statement of Assembly delegates to Secretary of State, July 28, 1854. This statement is also printed in Journal of the Assembly, 1854, third session of the fifth G.A., report of delegates, p. 30.

<sup>2</sup>C.O. 194/143, p. 143, minute, Grey to Merivale, August 1, 1854.

cross the Atlantic again on the subject of responsible government. Although the Liberals realized the plan was a triumph for their party, they were dissatisfied. On August 9 they wrote what they called a "very frank" letter to Joseph Hume in which they explained that Grey had refused to dissolve the Council. He proposed instead to refer the representation bill back to the Newfoundland legislature, with a view to making the Governor a mediator between the two branches. The delegates protested against being forced to renew the attempts to pass a representation bill. The Governor, they wrote, was a "decided partizan" of his Council, on whose favorites he had bestowed all the patronage at his disposal. The Assembly had already sought his mediation on the bill, only to be insulted by his refusal. They pointed out that on other occasions, instigated by the Council, he had come into collision with the Assembly. In view of this, they held it unreasonable to make Hamilton an "umpire". They thought it only fair to state that the Assembly had resolved "not to recede one jot" from their representation bill.<sup>1</sup>

On presenting the delegates' letter to the Colonial Secretary, Hume was shown the despatch which was to be sent to Governor Hamilton. After perusing it he was convinced that responsible government would be established without delay. As

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<sup>1</sup>Journal of the Assembly, 1854, 3rd sess., 5th G.A., pp. 47-49, delegates' letter to Joseph Hume, August 9, 1854.

he himself had no doubts concerning the government's sincerity, he felt that the Assembly's petition ought not to be presented in the House of Commons.<sup>1</sup> Little and Emerson acquiesced in Hume's decision, even though they still felt sure the Council would not pass the Assembly's bill.<sup>2</sup>

Grey's despatch to the Governor, based on his August 1 minute, was dated August 14. It expressed the hope that "mutual concession and forbearance" might end the existing quarrel. The Colonial Secretary wrote that lack of precise local knowledge prevented him from voicing any opinion on the proposed redistribution. But he repeated what he had told the Council delegates, that the "exceptional provision" introduced by the Council for voting in Burin seemed open to considerable objection. He suggested that a compromise be made in the case of the Attorney General's pension. As for the condition that members of the Assembly be paid by local assessment, Grey had decided not to insist on its fulfilment. It had not, after all, been demanded in the other colonies.

Hamilton was directed to use all his influence as an impartial arbitrator "in soothing irritated feelings and reconciling discordant views". The Colonial Secretary stated plainly that whatever success the Governor might have,

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<sup>1</sup>C.O. 194/143, p. 171, Hume to Little and Emerson, August 11, 1854.

<sup>2</sup>Journal of the Assembly, 1854, 3rd sess. 5th G.A., pp. 52-53, delegates to Hume, August 12, 1854.

Parliamentary interference was not to be expected. To ensure the Governor's mediation and the Council's compliance, he hinted that the Colonial Office might intervene on behalf of the Assembly:

The only measure which Her Majesty's Government have in their own power is, that of advising Her Majesty to remodel the Council in such a manner as to make it act harmoniously with the Assembly, a measure to which they would only resort with regret, and of which they at present cannot admit the necessity.

In accordance with the request of the Liberal delegates, Governor Hamilton was advised to summon the legislature "at an early period."<sup>1</sup>

This despatch did not put an end to Ker Baillie Hamilton's obstructiveness. He was still unwilling to concede victory to the Liberal party. He might not be able to defeat responsible government; nevertheless, he was determined to delay its coming. Following Grey's instructions, he planned an autumn legislative session to settle the details still at issue, but going against the spirit of Grey's despatch, he devised a new complication. On September 19, he wrote to the Colonial Secretary asking whether he should assent to the representation bill if it did not contain a suspending clause.

Hamilton's Royal Instructions prohibited him from assenting to any bill changing the number of representatives,

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<sup>1</sup>N.A., G 1, 25, Governor's Office, Despatches from Colonial Office, 1854, Grey to Hamilton, August 14, 1854.

which had not received the Queen's pleasure, unless it contained a suspending clause:

You are not to give your assent to any law or laws to be passed, by which the number of the Assembly shall be enlarged or diminished... until you shall have first submitted to Us, through one of Our Principal Secretaries of State, the Draft of such Bill or Bills, and shall have received Our Royal Pleasure thereupon; unless you take care, in the passing of such a Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof until Our will and pleasure shall be known thereupon.<sup>1</sup>

The chief reason for holding a special session, Hamilton recalled, was to pass a representation bill so that a general election could take place that fall. Sending the bill to London for approval would cause such a delay that no election could be held before the following spring. In that case, he wrote, it would be pointless to summon the legislature. He admitted that any representation bill which might be passed would differ but little from the Assembly's bill of the last session. This bill had already been scrutinized by the Colonial Office. Even so, he would not feel himself justified in assenting to it without a suspending clause. If the Colonial Office were to grant him permission, he was by no means sure that "circumstances" would permit the holding of an election in the fall. Obviously Governor Hamilton was in

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<sup>1</sup>Journal of the Assembly, 1853, preface p. xii, the Royal Instructions, clause XVI, Nov. 9, 1852.

no hurry to put a new Representation Act into effect.<sup>1</sup>

Little and Emerson evidently had foreseen this difficulty. Their report to the House of Assembly stated that on August 15 they had discussed the matter of a suspending clause with Frederick Peel. It had been his opinion, they reported, that there would be "no necessity whatever" for such a clause, as a draft of the bill had been fully considered by Her Majesty's government. The delegates were said to have told Peel the object of a fall session would be to make way for a fall election. Should any misunderstanding occur with respect to a suspending clause, the election would have to be postponed. To this Peel had replied that there was no danger of a mistake. The matter was too clear "to require a moment's consideration". Hamilton, he had said, would know it was the government's wish to have the matter settled without further reference to the Colonial Office.<sup>2</sup>

The delegates' report was confirmed by the response of officials in London to the Governor's inquiry. It appeared to them that the discretion the Governor asked for had already been granted by clause XVI of his Royal Instructions, and that his despatch was unnecessary. They noted that he knew the government was favorable to the new bill. He had taken care

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<sup>1</sup>C.O. 194/142, p. 24, Hamilton to Grey, September 19, 1854.

<sup>2</sup>Journal of the Assembly, 1854, 3rd sess. 5th G.A. report of delegates, p. 19.

to intimate that it would not differ materially from the former bill. Therefore, if it contained nothing of an extraordinary nature, the Governor would be at liberty to give his assent at once. Despite the haste with which the question was considered in London, it was October 24 before a reply could be sent to Newfoundland.<sup>1</sup>

Meanwhile in St. John's, Little had called on Hamilton and acquainted him with the results of the London mission. The Governor, in turn, had suggested a meeting between the leaders of both houses in order to reach an agreement on the details of the representation bill. The meeting did not take place because the Liberals had no intention of making further changes in their bill. Governor Hamilton still hoped that another bill might be adopted. In this respect he was more inflexible than the official members of his Council. Crowdy, Archibald and Noad, all of whom were to receive pensions, had indicated to the Governor their readiness to back down.<sup>2</sup> According to Little and Emerson, Grey had known the Council had "something at stake besides their opinion". The Colonial Secretary had planned to bring them to terms by letting them know their "true position". Accordingly, his August 14

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<sup>1</sup>C.O. 194/142, pp. 25-27, minutes written by Blackwood, Peel, Elliot, Smith and Grey. Also G 1, 25, Governor's Office, Despatches from Colonial Office, 1854, Grey to Hamilton, October 24, 1854.

<sup>2</sup>C.O. 194/142, pp. 33-35, Hamilton to Grey, October 3, 1854; and enclosure, Archibald, Crowdy and Noad to Hamilton, n.d.

despatch had stated that the Council might be modified. Faced with the threat of immediate dissolution, the Colonial Secretary, the Attorney General and the Surveyor General had chosen the lighter penalty of replacement after being granted retiring allowances.<sup>1</sup>

On October 10, 1854, the special session of the legislature began. In his opening speech, Hamilton declared that the purpose of the session was to settle the preliminary conditions to the introduction of responsible government, and to remedy "the inconveniences arising from the circumstances of the last Session having closed without the usual Bill of Supply".<sup>2</sup>

The Liberals stated their position at once. They reminded the Governor that the Assembly's conduct had met with the approval of the Imperial authorities. Consequently, they anticipated no further difficulty in introducing responsible government. They hinted that they would willingly reconsider the Attorney General's retiring allowance, provided that the Council adopted the representation bill without opposition or delay. But, they declared, on no account would the Assembly make further concessions. They assured the Governor that once these differences were settled, the

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<sup>1</sup>Journal of the Assembly, 1854, 3rd sess. 5th G.A. report of delegates, p. 17.

<sup>2</sup>Ibid., p. 4.

Assembly would vote the usual supplies.<sup>1</sup>

Eager to see responsible government inaugurated, the Assembly quickly passed precisely the same representation bill as the one they had finally amended during the spring session.<sup>2</sup> The Council dallied with it for two weeks before proposing one further amendment -- the withdrawal of one member from each of the districts of Bonavista and Placentia; St. Mary's. Their earlier demand for cumulative voting in Burin was dropped.<sup>3</sup> Unwilling to recede in any way, the Assembly refused a conference for discussion of the amendment.<sup>4</sup>

On November 6, in the midst of this deadlock, the Governor informed both houses that he had requested instructions from London in reference to a suspending clause. Under these circumstances, he would not be able to assent to a representation bill which did not contain such a clause, at least not before the arrival of the next mail.<sup>5</sup> Philip Little, on behalf of the Assembly, retorted that a suspending clause was unnecessary, as a draft of the bill had already been submitted to the

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<sup>1</sup>Ibid., p. 60, address to Governor.

<sup>2</sup>See Appendix G, Table VIII, p. 262.

<sup>3</sup>Journal of the Council, 1854, 3rd sess. 5th G.A. October 28, p. 19.

<sup>4</sup>Journal of the Assembly, 1854, 3rd sess. 5th G.A. October 30, p. 69, message to H.M.'s Council.

<sup>5</sup>Ibid., p. 73, message from Governor, November 6.

Colonial Office. Again the session had been called especially for the settlement of the representation issue. Moreover, neither the Attorney General, nor any other of Hamilton's "confidential advisers" had taken exception to the bill for the absence of a suspending clause. On the contrary, the Liberal leader concluded, the Assembly had clearly been given to understand that if they assented to the Council's amendment, the bill would be passed without any additional difficulty.<sup>1</sup>

Next day the Council decided to withdraw their amendments. Probably they would have passed the bill unamended in the first place, if it had not been for the opposition of the four Protestant merchants who were present during the session.<sup>2</sup> Crowdy, Archibald and Noad, at least, would have voted for the measure. However, supported by the only Liberal in the Council, Laurence O'Brien, they had not had a majority. Thus there had been a deadlock in the Council itself. By November 9, however, Colonel Law, Commandant of the St. John's garrison, and ex-officio president of the upper house, who had been absent from the colony, had returned.<sup>3</sup> His casting vote was given on the side of those who wished to recede.

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<sup>1</sup>Ibid., pp. 74-75, address to Governor, November 8.

<sup>2</sup>Thomas, Bennett, Job and Grieve.

<sup>3</sup>C.O. 194/146, p. 445, Hoyles to Hobart, January 22, 1855.

Still, the uncertainty which existed as to the necessity of a suspending clause prevented the Council from passing the bill, even though they had withdrawn their amendment. Then on November 14 Governor Hamilton, having received Grey's October 24 despatch, announced that a suspending clause was unnecessary. Straightway the Council passed the representation bill, again with the casting vote of the Commandant.<sup>1</sup>

The Assembly were now confident that their representation bill would come into effect in time for a fall election. Although they had postponed all other business, they now set vigorously to work enacting the legislation they had promised. This included a supply bill and an education bill. They also discussed the Reciprocity Treaty, which had been signed in June, 1854, and had later been ratified by Britain and the United States. Newfoundland's participation had been made conditional on certain preliminary arrangements, including action by the legislatures of the United States, the United Kingdom and Newfoundland.<sup>2</sup> The Assembly decided there was not enough time during the fall session to revise the colony's fiscal arrangements. Instead, in a series of resolutions they declared that acceptance of the treaty would be one of their

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<sup>1</sup>Journal of the Council, 1854, 3rd sess., 5th G.A. p. 32, November 14.

<sup>2</sup>Journal of the Assembly, 1854, 3rd sess., 5th G.A. Appendix, p. 19, Reciprocity Treaty, article 6.

first acts in the regular session expected in January, 1855.<sup>1</sup>

Once the Council had passed the representation bill, the chief obstacle to the introduction of responsible government had been overcome. The only condition still unsettled was the retiring allowance bill. This the Assembly passed on November 16. By granting the Attorney General an annual pension of £350, they fulfilled this promise to the Council. The bill was passed by the upper house on November 23.<sup>2</sup>

Thus during the same year as that in which Newcastle's prerequisites had been imposed, they had been met by the Assembly and the Council. Displaced officials were to receive pensions, candidates were to pay election expenses, certain districts were to be divided, and the number of representatives was to be increased to thirty. The only condition with regard to which the Assembly had remained adamant, the payment of members' allowances by local taxation, had been diplomatically withdrawn by Sir George Grey.

The Liberals and the Conservatives, as well as the Colonial Secretary, had made concessions. Nevertheless, because of the intervention of the Colonial Office, Liberal sacrifices had been minor compared to those obtained from the Conservatives. The Liberal Assembly had given in on the

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<sup>1</sup>Ibid., p. 104, November 18.

<sup>2</sup>Newfoundland Acts 1852-1855, p. 105, 18 Vict., c.2, An Act to Provide For the Retiring Allowances of certain Public Officers of the Government of this Colony, November 30, 1854.

point of the Attorney General's pension. They had consented to the subdivision of certain districts, and the payment of election expenses by candidates rather than from the general revenue. On the Conservative side, the scale of election expenses finally agreed upon was much lower than the one originally proposed by the Council. The Assembly's pension bill provided retiring allowances for the Colonial Secretary, the Attorney General, the Surveyor General and the Solicitor General. The upper chamber had tried vainly to obtain pensions as well for the Treasurer and the Collector of Customs.<sup>1</sup>

By far the biggest concession had been made by the Council with respect to the representation bill. Ever since the arrival of Newcastle's despatch, each party had been struggling to ensure its control of the next Assembly. Both parties felt that under the new representation bill<sup>2</sup> the Liberals could return a majority. On the day it had finally passed the Assembly, Hamilton had complained to the Colonial Secretary that it did not secure to the Protestants a fair share of representation.<sup>3</sup> Philip Little, on the other hand,

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<sup>1</sup>Journal of the Council, 1854, 3rd sess., 5th G.A.  
p. 100.

<sup>2</sup>Newfoundland Acts 1852-1855, p. 105, 18 Vict., c.3,  
An Act to increase the present number of Representatives in the General Assembly of this Island, and to Regulate the Representation thereof, November 30, 1854.

<sup>3</sup>C.O. 194/142, p. 68, Hamilton to Grey, November 14, 1854.

had expressed his happiness at the "peaceful termination of a very angry and unpleasant conflict".

All that remained now, thought the Liberals exultantly, was for the Governor to give his assent to the pension and representation bills. Without a suspending clause the representation bill could be put into effect at once. The general election, Little assumed, would "come off immediately".<sup>1</sup> There was, however, disagreement on this point. While Little had set his heart on a fall election, the Conservatives, supported staunchly by Ker Baillie Hamilton, were just as determined to delay it until the following spring.

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<sup>1</sup>Little Papers, p. 210, Little to Hume, November 14, 1854.

Chapter V

THE REMOVAL OF  
GOVERNOR HAMILTON, 1855

To Philip Francis Little the prospect of working with Governor Hamilton in a responsible government was distasteful. From the start of his administration Hamilton's sympathies had been with the "anti-responsible" party. He had first clashed with the Liberal-dominated Assembly in 1853 over the delegation bill and the revenue bill. But he had failed to get along not only with the Assembly; his lack of tact had caused him to quarrel openly even with the Church of England bishop. Despite the Governor's opposition, the Duke of Newcastle had decided in 1854 to grant responsible government upon certain conditions, the most important of which had been the passing of a bill to increase the number of representatives in the Assembly. When the Assembly and the Council had failed to agree on that question, Hamilton had refused to interfere on behalf of the lower house. The Assembly had not voted the supplies; all legislation had been at a deadlock. Both branches had appealed during the summer of 1854 to the Imperial government. The Governor, in the representation dispute, had identified himself fully with the policy of his Council. On learning that the Colonial Office had decided in favour of the Assembly, he reportedly had told Little, "It is not to be denied, you have beaten me; I am opposed in principle to Responsible Government for the Colonies; it erects them into petty Independent Governments, and renders the Governor a nonentity; but as the British Government will

it, I must yield my objections, and endeavour to work it out."<sup>1</sup>

Nevertheless, during the special fall session of the legislature, his use of delaying tactics had made the Liberals determined to demand his recall. The Liberals maintained that his appeal to the Colonial Office on the subject of a suspending clause would have been unnecessary if he had sincerely intended to carry out Sir George Grey's instructions. Another Liberal argument was that, if the Council proved unwilling to pass a bill which had already been approved by the Colonial Secretary, the Governor should have asked for their resignations, and brought that body into harmony with the Assembly. Instead, they had been allowed to fritter away a month of the session debating the representation bill. Little charged that Hamilton had, during that month, attempted to secure for his officials higher retiring allowances than the amounts he had previously agreed on with the Assembly. According to Little, His Excellency had promised him that, should the new scale be adopted, "all difficulties would be removed to the passage of the [representation] Bill in the Council."<sup>2</sup> The Liberal leader was opposed to the

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<sup>1</sup>N.A., G.1, 26, Despatches from C.O., 1855, Little to Grey, January 8, 1855, enclosure, "The Case of the People of Newfoundland against Governor Hamilton, p. 4, copy.

<sup>2</sup>Ibid., p. 5.

Governor's proposition, and the bill was finally passed by the upper house on November 14.

After this victory, so certain were the Liberals that the struggle was at an end that they were "disposed to give Mr. Hamilton a further trial." Little instructed Joseph Hume not to use the information against the Governor which he had recently supplied. Feeling confident that Hamilton would call a general election immediately, Little was more concerned about the composition of the Executive and Legislative Councils which were soon to be formed.<sup>1</sup>

The same day (November 14) on which Little wrote to Hume, Governor Hamilton, in a despatch to Sir George Grey, brought up the subject of a "proper" election date. On September 19, when he had requested instructions with respect to a suspending clause, he had been anticipating a fall election. But, he wrote, he had counted on a much shorter session. Besides, at that time he had overlooked the necessity for a revision of the voters' list. Now, too, there would have to be a preliminary registration of electors in the new district of Burgeo and LaPoile. He felt that it was too late in the season to hold the election. During the winter communication with the remote districts of Burgeo and LaPoile, Fortune Bay, and Fogo was difficult and infrequent. Such circumstances,

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<sup>1</sup>Little Papers, pp. 210-212, Little to Hume, November 14, 1854, copy.

he explained, made the holding of a general election before May impractical.<sup>1</sup>

The Liberals, eager to see the new system inaugurated, wanted a fall election. In May, they argued, many men engaged in the fishery would be unable to vote. In May, too, mercantile influence would be greatest, "that being the period when the issues of Supplies on credit are made."<sup>2</sup> With the merchants in control of the Protestant districts, the Conservative party would have a better chance of winning the election.

The Conservatives were not anxious to give up their privileged position. This was one reason for their desire to postpone the election. Under the new representation bill, sixteen of the thirty members were to be returned by Protestant districts.<sup>3</sup> Attorney General Archibald had admitted that the Protestants were "inactive and would not work". He had declared in the Council on November 9 that "if the Protestants of the country would throw off their supineness and act with energy and vigour," they could win a majority even under the Assembly's bill.<sup>4</sup> A spring election would

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<sup>1</sup>C.O. 194/142, pp. 65-74, Hamilton to Grey, November 4, 1854.

<sup>2</sup>Journal of the Assembly, 1854, 3rd sess., 5th G.A., November 27, pp. 122-126, resolutions.

<sup>3</sup>See Appendix G, Table VIII, p. 262.

<sup>4</sup>Express, November 21, 1854, proceedings of the Council, November 9, Archibald's speech.

give the Conservative party time to organize their campaign and to arouse the Protestant electors. The Conservatives argued, as well, that if an election were held before May, members for the distant Protestant districts would not be able to take their seats in the Assembly. This would give the Liberals a majority to carry measures designed to strengthen "that unjust ascendancy which a shuffling Secretary of State," Sir George Grey, had given them. There was no telling what the "Rads" might do before weather conditions permitted the members for these "disenfranchised" Protestant districts to reach St. John's.<sup>1</sup>

Unaware that Governor Hamilton intended to postpone the election, the Assembly went vigorously to work after the Council had passed the representation bill on November 14. On November 17 the lower house passed a supply bill. The Liberals evidently believed that the government's failure to carry out a revision of the voters' list was accidental, not designed.<sup>2</sup> Accordingly, they inserted in the supply bill a clause the object of which was to permit an immediate general election under the increased representation bill, that had just passed the Assembly and the Council, and awaited the Governor's assent. Tacked to a vote which appropriated £25

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<sup>1</sup>Express, November 18, 1854.

<sup>2</sup>Newfoundland, Journal of the Assembly, November 27, 1854 (3rd sess. 5th G.A.), p. 129, Address to the Secretary of State.

for the registration of voters in the new district of Burgeo and LaPoile was a proviso dispensing with the registration of voters in every district for one year:

Provided always that it shall not be necessary for the purpose of any Elections that may be held in the said District, or any other Electoral District in this colony, within one year from the passing of this Act to take or revise the Registry of the Electors of any of the said Districts, and the Registry of the Voters thereof last taken shall be used at any election that may occur within the said period, so far as the same can be made available, but nothing herein contained shall be construed to disqualify any Electors otherwise qualified, whose names shall not appear on the Registry of Voters, from exercising their Elective Franchise.<sup>1</sup>

The Council, considering the proviso a violation of the Royal Instructions, struck it out.<sup>2</sup> The fourteenth clause of Hamilton's Royal Instructions stated that each matter was to be provided for by a different law, and that no clause foreign to the title of a law was to be introduced in it.<sup>3</sup> Thus amended, the supply bill on November 22, 1854, was sent back to the Assembly. The Speaker announced that, on the grounds of interference with the privileges of the house, the amendment was rejected.<sup>4</sup>

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<sup>1</sup>Ibid., November 15, 1854, p. 95.

<sup>2</sup>Journal of the Council, November 22, 1854 (3rd sess. 5th G.A.), p. 46.

<sup>3</sup>Journal of the Assembly, 1853, p. xiii, Royal Instructions.

<sup>4</sup>Ibid., November 22, 1854 (3rd sess. 5th G.A.), p. 116.

From the Council's amendment the Assembly on November 22 "became accidentally aware that the Government did not contemplate the holding of the Elections this fall."<sup>1</sup> Hence, they felt the Council was still trying to delay the introduction of the new system of government. Realizing that the determination of an election date rested with the Governor in Council, they sent an address to His Excellency. It contained a request that Hamilton close the session so that the election might be held with as little delay as possible. The Assembly remarked that they had passed the supply bill only on the understanding that responsible government would be introduced immediately.<sup>2</sup> In passing the address the "responsibles" gained another supporter. John Hayward, an Anglican member for Conception Bay, who had voted consistently with the Conservatives, now joined the Liberals. His defection reduced the Conservative minority to four members -- Hoyles, March, Warren and Bemister.

Neither the Assembly's address, nor Little's personal attempt to influence him affected Hamilton's decision. In his reply next day he reminded the Assembly that he could act only with the "advice and consent" of his Council. He observed that he was not a party to the understanding upon which the Assembly

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<sup>1</sup>Ibid., November 27, 1854, p. 123, resolutions reported from committee of the whole.

<sup>2</sup>Ibid., November 22, 1854, pp. 117-118, address to the Governor.

claimed the supply bill had been passed. Furthermore, he did not recognize any "legitimate connexion" between the passing of that bill and the question of an election date.<sup>1</sup> On November 24, having gone through the formality of consulting the Council,<sup>2</sup> he informed the House that the election would take place the first week in May, 1855.<sup>3</sup> The same day, the Council threw out a separate registration suspension bill which the Assembly had passed two days earlier.<sup>4</sup>

On receiving the Governor's message, Little in exasperation gave notice of an address to the Imperial government "for the immediate removal of Ker Baillie Hamilton, Esq. from the government of this Island, for his misgovernment of this colony and for his partisanship with his Council in their united opposition to this Assembly and the best interests of this Country."<sup>5</sup> In the long and acrimonious debate which followed, the Liberal charges against Hamilton were elaborated. They believed the Governor, opposed in principle to responsible government, was merely using every device he could think of

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<sup>1</sup>Ibid., November 23, 1854, p. 119, Governor's reply to address in reference to general election.

<sup>2</sup>N.A., S 4, 2, Minutes of the Executive Council, 1842-1855, p. 330, November 24, 1854.

<sup>3</sup>Journal of the Assembly, November 24, 1854 (3rd sess. 5th G.A.), p. 120, message from the Governor.

<sup>4</sup>Journal of the Council, November 24, 1854 (3rd sess. 5th G.A.), p. 50.

<sup>5</sup>Journal of the Assembly, November 24, 1854 (3rd sess. 5th G.A.), p. 121.

to delay its introduction. Even though his conduct had been condemned by the Colonial Office he still upheld his Council. His inquiry about the need for a suspending clause, Little declared, was itself a delaying tactic. The Governor had admitted, in his September 19 despatch, that the main purpose of the special session was to make way for a fall election. However, when he learned that he might dispense with the suspending clause, "another scheme, another drivell became necessary to consume time." Delay afforded the only chance for Hamilton to secure an "undue advantage" for the Conservative party. At first, charged Little, he had demanded higher pensions for his officials. When the Liberals had refused to renew the pension issue, the Governor had devised "a last crotchet -- that no Election could take place this fall, because there was no time for a register of voters!" Now, the Liberal leader continued, "if this register were necessary, with whom lay the blame that it was not taken in time? When I raised this point to His Excellency, he replied, why didn't you remind me of it? I said, I am not Your Excellency's Attorney-General, nor a member of Your Excellency's Government."<sup>1</sup> In Little's opinion "the Governor had clearly been guilty of a gross and most culpable omission of his duty."<sup>2</sup>

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<sup>1</sup>Newfoundlander, November 30, 1854, proceedings of Assembly, November 28, 1854, Little's speech.

<sup>2</sup>Ibid., November 27, 1854, proceedings of Assembly, November 24, 1854, Little's speech.

Hugh Hoyles, the Conservative leader, defended the Governor. Hamilton, he said, had no power to carry out the registration of voters before the election writs had been issued.<sup>1</sup> Little disagreed. He stated that it was "notoriously the practice to take and revise the Register" before issuing the writs.<sup>2</sup> Moreover, he maintained that the Governor was given the necessary power under the Registration Act of 1850:

Be it therefore enacted, by the Governor, Council and Assembly, in the Legislative Session convened, that from and after the passing of this Act, Lists of Persons entitled to Vote at Elections in the several Districts of this Island, shall be taken and revised in manner prescribed in and by the said recited Act once in every Four years, and not in each year as provided by the said Act: Provided always, that in the event of a particular or general Election of a Person or Persons to serve as Member or Members in the House of Assembly, being appointed to take place at any time before the expiration of any one of the periods of Four Years therein limited for taking and revising the said Lists, and after the expiration of One Year from the time when such Lists shall have been last taken and revised, it shall and may be lawful for the Governor for the time being, by and with the advice of Her Majesty's Council, to cause the provisions of the said Act to be put into operation in any one or all of the said Districts of this Island: Provided, that should it be found necessary or expedient to hold an Election or Elections at any period of the year when, by reason of the times limited in the said recited Act for serving notices and holding Courts of Revision, the provisions of the said Act cannot be carried into effect, the Registry of the said Voters shall be taken and revised as nearly as may be according to the provisions of the said recited Act, but with such alterations in the manner of taking and

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<sup>1</sup>Ibid., Hoyles' speech.

<sup>2</sup>Ibid., Little's speech.

revising the same as may be found necessary.<sup>1</sup>

Little reminded the house that Hamilton had not only clashed with the Assembly. Ever since his arrival in Newfoundland he had "shone as the centre of religious discord." He had quarrelled openly with the head of his own church.<sup>2</sup> On various occasions he had displayed the "utmost contempt" for the people of the colony. Not long ago, Little concluded, Hamilton, in his presence, had compared Newfoundland to a Pacific "dung island".<sup>3</sup>

The culmination of the debate was the passing of twenty-eight resolutions which condemned the conduct of the Governor and his Council and stated that the house would not pass a supply bill. It was necessary "for the peace, welfare, and good government of the colony, that His Excellency and his advisers should forthwith be removed from the administration of its affairs. Addresses based on the resolutions were prepared, as usual, for the Colonial Secretary and the British Parliament.<sup>4</sup>

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<sup>1</sup>Newfoundland Acts, 1843-1851, Vol. 3, p. 67, An Act to amend an Act passed in the Fourth Year of the Reign of his late Majesty, entitled "An Act for the Registering the Names of Persons entitled to Vote at Elections", 13 Vict. c. 14, April 30, 1850.

<sup>2</sup>Newfoundlander, November 30, 1854, proceedings of Assembly, November 28, 1854, Little's speech.

<sup>3</sup>Express, November 28, 1854, report of Assembly proceedings.

<sup>4</sup>Journal of the Assembly, November 27, 1854 (3rd sess. 5th G.A.), pp. 122-126, resolutions reported from committee of the whole.

As soon as Governor Hamilton learned of the allegations made against him by the Assembly, he wrote to Sir George Grey refuting them. On November 22, he reported, Little had called on him and had threatened "consequences" injurious to myself personally" if he did not do as the Liberals wished.<sup>1</sup> He admitted that in September he had intended to hold a fall election. But he had forgotten the necessity for a revision of the voters' list. He had also anticipated a much shorter legislative session. To the Liberal statement that many voters would be away from their homes in May, Hamilton replied that, next to November, May was the most convenient month, "after the close of the Seal Fishery and before the people make their preparations for commencing the Cod Fishery." As for the Liberal claim that "mercantile influence" was highest in May, he remarked that the Assembly returned in May, 1837, had been the "most anti-mercantile or 'liberal' House ever elected in this Colony."<sup>2</sup>

The reason Hamilton had given for postponing the election was the lateness of the season. To this the Assembly replied that in 1842 a general election had been held on December 20 "and no inconvenience was experienced in effecting

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<sup>1</sup>C.O. 194/142, pp. 82-92, Hamilton to Grey, November 23, 1854 and post script of November 28, 1854.

<sup>2</sup>Ibid., pp. 100-118, Hamilton to Grey, November 29, 1854.

it."<sup>1</sup> It could be held at the same time in 1854, they argued, "especially looking to the peculiar mildness of the season, up to the present time (29th November), and the total absence of frost or snow or any other obstacle to impede the communication with all the outports." To obviate any objection to holding the election so late in the year, the Assembly offered to put at Governor Hamilton's disposal a steamer for use in the districts farthest north and west.<sup>2</sup> Hamilton refused the offer.

All their resources having been exhausted there was nothing for the Liberals to do but submit to a postponement of the election. Meanwhile the old "irresponsible" officials would continue to draw full salaries. Nevertheless, the Assembly were determined that an impartial Governor should inaugurate the new system. For the third time, Philip Little was appointed to put their case in London.<sup>3</sup>

Hamilton's reaction to this news was to notify the House of Assembly on November 30 at eleven o'clock in the morning of his intention to prorogue the session at four o'clock that afternoon.<sup>4</sup> This led the Assembly to inform His Excellency that they were suspending all legislative proceedings

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<sup>1</sup>Journal of the Assembly, November 27, 1854 (3rd sess 5th G.A.), p. 123, resolutions.

<sup>2</sup>Ibid., November 29, 1854, p. 133, address to Governor.

<sup>3</sup>Ibid., p. 132.

<sup>4</sup>Ibid., November 30, 1854, p. 135, message from Colonial Secretary Crowdy.

until an appeal had been made to the Imperial government. Accordingly, at two o'clock on November 30, 1854, they adjourned to January 10, 1855. The Liberals avoided a prorogation for fear that the Governor would dissolve the Assembly immediately afterwards. By adjourning to January 10, without having passed a supply bill, they hoped to give P.F. Little, while preferring their charges in London, a locus standi as the representative of an existing body. Dissolution of the Assembly would have deprived him of any official position.

The adjournment took Governor Hamilton by surprise. He described the Assembly's action as "disrespectful to the Crown,... and defiant of the Queen's prerogative." But "subsequent reflection" satisfied him that he ought not to be deterred from his course. On December 5, four days after Little's departure on his mission, he dissolved the Assembly by proclamation. In a despatch to Sir George Grey, Hamilton denied that his motive was to take away from Little his recognized position. Rather, he intended merely to "vindicate the authority of the Crown." Besides, he wrote, if the old Assembly had continued to meet in the new year, they probably would have refused to renew the Revenue Act, which was due to expire on May 29, 1855.<sup>1</sup>

Nevertheless, when the Governor decided to send H.W.

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<sup>1</sup>C.O. 194/142, pp. 170-173, Hamilton to Grey, December 9, 1854.

Hoyles to England in his defence, he made sure that his friend would receive official recognition. Hoyles had had little success during the previous summer as the representative of the Central Protestant Committee. For several years he had been the Conservative leader in the Assembly, where he was generally considered to be the "organ" of the local government. In October, 1854, when he had learned that the British government had decreed that Hamilton and his Council must cooperate with the majority of the Assembly, he was still determined not to recede from his opposition to the Liberals' representation bill. Thus, to avoid embarrassing the government, and to be "perfectly untrammelled" in advocating his own views, he had resigned his office of acting Solicitor General. But in December, when he was chosen to defend His Excellency before the Home government, he did not want to present himself as a member of the dissolved Assembly. Consequently he wrote to Hamilton accepting office again:

Believing that my holding an office under Your Excellency's Government would promote the object of my intended visit to England, I readily accept for that purpose only the temporary appointment of Solicitor General with the understanding, however, that I shall be permitted to resign on my return to Newfoundland.

Presumably, Hoyles wanted to resign on his return to the colony, in order to contest a seat in the general election.

Governor Hamilton recommended highly the man who was

later to become the first Anglican prime minister of Newfoundland. "His personal and professional character is without spot," he wrote to Grey, "and he would be valuable in any government -- in any Law Court -- in any Senate." Hoyles' "upright and moderate views" were compared to Little's "high and arrogant principles" and violent conduct. The purpose of the Solicitor General's mission was to put the Colonial Secretary "in possession of correct information" with respect to the Assembly's charges against Governor Hamilton. Hamilton himself was convinced that Hoyles would secure Sir George Grey's sympathy.<sup>1</sup> ✓

The Council decided to send as their representative James Crowdy, a step which caused Sir George at last to remark that he was "not aware of the necessity for any such mission." "It is," he wrote in a minute, "an inconvenient course which both Council and Assembly has [sic] got into the habit of adopting."<sup>2</sup>

After hearing from Hamilton only the Conservative version of the dispute, both Grey and the Under-secretary, Peel, felt that the Assembly in demanding a fall election were unreasonable. It seemed to them that the Governor was justified

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<sup>1</sup>Ibid., pp. 198-211, Hamilton to Grey, December 14, 1855, and enclosures.

<sup>2</sup>Ibid., p. 212, Hamilton to Grey, December 26, 1854, and minute written by Sir George Grey, January 20, 1855.

in the course he had taken.<sup>1</sup> Clearly they did not want to be troubled again by the colony's problems. None of the delegates was welcomed with open arms. All were granted interviews, but Grey told them plainly that any "complaints or charges" against persons in Newfoundland must be in writing.<sup>2</sup>

P.F. Little accordingly submitted a statement called "The Case of the People of Newfoundland Against Governor Hamilton". In addition to repeating the charges already made by the Assembly in their resolutions, Little's statement declared that Hamilton had offended Roman Catholics by "distributing Sectarian Tracts among Catholic children in certain parts of the country which he visited." He argued that "His Excellency having displayed neither the temper, judgment, nor toleration necessary for an impartial and successful Governor of a Colony, with a mixed population... it would be unsafe and unjust to entrust [him] with the introduction of the new system of Government."<sup>3</sup> On January 22, 1855, when he had been in London more than a month, he was informed that Sir George was "unable to perceive any ground

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<sup>1</sup>Ibid., p. 127, minutes written by Frederick Peel, December 21, 1854, and by Sir George Grey, December 22, 1854.

<sup>2</sup>C.O. 194/143, pp. 210-212, Little to Grey, December 19, 1855, and minute written by Grey.

<sup>3</sup>N.A., G1, 26, Despatches from C.O., 1855, Little to Grey, January 8, 1855, enclosure, "The Case of the People of Newfoundland against Governor Hamilton", copy.

for disapproving the decision at which the Governor arrived" with respect to the election.<sup>1</sup>

Hoyles told the Colonial Secretary that his only object was to explain Hamilton's reasons for the election postponement. As Grey had already received from the Governor himself a complete account of the incident, he would not let the Solicitor General make a repetitious statement. Consequently, he wrote to Hamilton expressing his regret "that Mr. Hoyles should have incurred the inconvenience... [of] a voyage to England without... any adequate occasion."<sup>2</sup> Finding there was nothing more they could do, Crowdy and Hoyles left for home with the assurance that the Colonial Office had no intention of condemning Governor Hamilton's action.<sup>3</sup> They reached St. John's on March 4, 1855.<sup>4</sup>

Although P.F. Little would not admit defeat, his work in London was impeded by changes in the Imperial government. In December, 1854, and January, 1855, there was an outcry in Britain against the government's mismanagement of the Crimean War. John Arthur Roebuck, a radical member of the House of

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<sup>1</sup>C.O. 194/146, p. 454, Merivale to Little, January 22, 1855, draft.

<sup>2</sup>N.A., G 1, 26, Despatches from C.O., 1855, Grey to Hamilton, January 24, 1855.

<sup>3</sup>Journal of the Council, May 23, 1855 (1st sess 6th G.A.), pp. 15-16, Crowdy's report of his mission to London.

<sup>4</sup>Courier, March 7, 1855.

Commons, determined to bring to light all inefficiency, gave notice of a motion for an inquiry into the conduct of the war. The notice itself was enough to cause Lord John Russell, president of the Council, to send his resignation to the Prime Minister, Lord Aberdeen. Roebuck's motion for a select committee was carried on January 29 by a majority of 305 to 148. Next day, Aberdeen's coalition government resigned.

Lord Palmerston succeeded him as Prime Minister with a coalition cabinet of Whigs and Peelites. Sir George Grey was transferred to the Home Office, and Sidney Herbert became Colonial Secretary. However, when Palmerston did not oppose the establishment of a committee of inquiry, of which Roebuck was to be the chairman, several Peelites, including Herbert, promptly resigned from the government.<sup>1</sup> Lord John Russell was the next head of the Colonial Office. But, as he had gone as British plenipotentiary to the peace negotiations in Vienna, Sir George Grey again took charge of that department.<sup>2</sup>

As if the confusion in Downing Street were not enough to make him despair, Little no longer had Joseph Hume, for so many years an advocate of reform, to support his cause. Hume's

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<sup>1</sup>Keith Feiling, A History of England (London: Macmillan, 1951), p. 911; and Kellow Chesney, Crimean War Reader (London: Fred K. Muller Ltd., 1960), pp. 187-189.

<sup>2</sup>N.A., G 1, 26, Despatches from C.O., 1855, Grey to Hamilton, March 3, 1855.

last effort on behalf of the Assembly of Newfoundland had been made on December 22, 1854.<sup>1</sup> He did not live to see responsible government introduced in the colony. He died at the age of 78 on February 20, 1855.<sup>2</sup>

Little found a new champion in John Arthur Roebuck. Before the rebellion of 1837 Roebuck had been the vigorous and outspoken agent of the Lower Canadian Assembly. Joseph Howe of Nova Scotia had distrusted the radical, and had sought help in Britain from more moderate members of Parliament.<sup>3</sup> The mere fact that Roebuck had joined O'Connell in opposing coercion in Little's ancestral home probably would have endeared him to the Newfoundland liberal leader. But Little himself seems to have been more radical and uncompromising than many other reformers of his day.

After Hume's death it was Roebuck who went with Little to the Colonial Office demanding Governor Hamilton's removal. Their arguments apparently led Sidney Herbert, during his short term as Colonial Secretary, to decide that the Governor would have to be replaced. As Sir George Grey in December, 1854, had upheld Hamilton's "obstructiveness", his return after Herbert's resignation must have been bad news for

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<sup>1</sup>C.O. 194/143, pp. 443-444, Hume to Grey, December 22, 1854.

<sup>2</sup>D.N.B., X, 230-231.

<sup>3</sup>Chester Martin, Empire and Commonwealth (Oxford: Clarendon Press, 1929), p. 172.

Little. Nevertheless, he hoped that Grey would implement Herbert's decision.<sup>1</sup>

Ker Baillie Hamilton had been in Newfoundland only two years, but during that time three delegations from the Assembly had come to London to complain about his administration. In the spring of 1854 officials in Downing Street had criticized his tactlessness and his lack of diplomacy.<sup>2</sup> That summer they had expressed the opinion that Newfoundland would be better off without him.<sup>3</sup> The Colonial Secretary had felt sure after sending his despatch of August 14, 1854, that he would not be bothered again by Newfoundland's problems. Then, when a new dispute had arisen over the election date, Grey had thought the Assembly unreasonable. Their case against Governor Hamilton, however, was strengthened by his continued obstructive behaviour.

On November 14, 1854, he had written to the Colonial Secretary that in the coming election "violence and intimidation" would be resorted to by the "Roman Catholic party". To secure "greater freedom of election" he suggested that electors in remote districts, perhaps in all, be allowed to vote by written notice. Ordinarily only those men who resided more than fifteen

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<sup>1</sup>C.O. 194/146, p. 474, Little to Grey, March 31, 1855.

<sup>2</sup>C.O. 194/141, p. 70, minutes written by Frederick Peel, April 13, 1854; and the Duke of Newcastle, April 14, 1854.

<sup>3</sup>*Ibid.*, pp. 143-144, minute written by Frederick Peel, July, 1854.

miles from the nearest polling station could vote in this manner. The Colonial Office felt that his proposal raised a question which was not merely legal, but political. Surely, they thought, the Assembly would not have agreed to such a change. Even if it were legal for the Governor to change the method of voting they thought there was insufficient justification for his doing so.<sup>1</sup>

As the Assembly in 1854 had refused to pass a supply bill, salaries of government employees had not been paid. Late in December the Governor, with the concurrence of his Council, had authorized a loan from the Newfoundland Savings' Bank for that purpose. When reporting the matter to the Colonial Office, Hamilton had written that the advance had been recommended by the Council, "who are the governors of the Savings Bank". He had neglected to mention that some members of the Assembly were also governors of the Bank, and that they had certainly not concurred in the action. To Sir George Grey the proceeding seemed "very questionable" and "most improper".<sup>2</sup>

Doubts concerning Hamilton's ability to work the new system were increased by his evident lack of understanding of responsible government. According to the Duke of Newcastle's despatch of February 21, 1854, separate Executive and Legislative

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<sup>1</sup>C.O. 194/142, pp. 75-77, Minutes written by Merivale, December 6, 1854; Grey, December 7, 1854; and Peel, December 22, 1854.

<sup>2</sup>*Ibid.*, pp. 215-219, Hamilton to Grey, December 26, 1854, and minute written by Grey, January 20, 1855.

Councils were to be set up at the inauguration of responsible government.<sup>1</sup> As early as December 29, 1854, Hamilton had recommended to the Colonial Secretary a list of members for the new Legislative Council. He expected to receive new Royal Instructions authorizing him to create separate councils before the general election. In his opinion the upper house should be composed of twelve members, nine of whom he named. Magnanimously he planned to let the leader of the majority party in the Assembly choose the remaining three, which he thought would be filled by the Attorney General, the Colonial Secretary and the Surveyor General.

Later, however, he realized that under responsible government these officials might be members of the Assembly, rather than of the Legislative Council. Therefore, in February, 1855, he requested that he "should be left at liberty to constitute the Legislative Council at the outset of... equal numbers of the two political parties."<sup>2</sup>

When P.F. Little, who was still in London demanding the Governor's removal, heard of Hamilton's plan for the Legislative Council, naturally, he opposed it. The Legislative Council, he insisted, should be appointed "by an impartial Governor acting on the advice of an Executive Council selected

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<sup>1</sup>See Appendix F, p. 249.

<sup>2</sup>C.O. 194/142, pp. 243-248, Hamilton to Grey, December 29, 1854. Also C.O. 194/144, pp. 29-30, Hamilton to Grey, February 14, 1855.

from and responsible to the new House of Assembly." If it were appointed as Hamilton desired, Little warned, there would be agitation to overthrow it and obtain an elective body in its stead.<sup>1</sup>

Little's representations to the Colonial Secretary did not go unheeded. On March 3 Sir George Grey in a despatch to the Governor wrote that, as there appeared to be no legal necessity of separating the councils before the new Assembly had met, "some political inconvenience might be avoided, if... the appointment of the new Legislative Councillors, could be deferred." At that time, he thought, the Governor would be better able to estimate the "political influences likely to prevail". Like Little, he feared that a Legislative Council chosen before the election results were known might not be in harmony with the Assembly.<sup>2</sup>

The Colonial Office told Little that no steps had been taken to form a Legislative Council, and that it was not planned to take any before the election.<sup>3</sup> Still they would tell him nothing of their plans concerning the Governor. The Liberal delegate hoped that Herbert's decision would be effected. Grey would not even admit, if indeed he knew it, that his

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<sup>1</sup>C.O. 194/146, p. 478, Little to Grey, March 3, 1855.

<sup>2</sup>N.A., G 1, 26, Despatches from C.O., 1855, Grey to Hamilton, March 3, 1855.

<sup>3</sup>C.O. 194/146, p. 486, Merivale to Little, March 16, 1855, draft.

predecessor had determined to remove Ker Baillie Hamilton. Little wrote to Herman Merivale on March 5 emphasizing the need for "prompt action." He trusted that Lord John Russell's absence would not prevent the settlement of the question without delay. Grey replied again that he could not "enter into any communication with Mr. Little as to the removal" of Governor Hamilton.<sup>1</sup>

This did not deter the Liberal leader. On March 6 he suggested "an arrangement by which Mr. Hamilton may be disposed of with advantage to himself and to the Colony of Newfoundland":

If then the Government should resolve to carry out the opinion of the late Secretary of State for the Colonies in reference to Mr. Hamilton, New Brunswick could be made available for that purpose, by sending Mr. Manners Sutton<sup>2</sup> to Newfoundland and there is a precedent for the latter appointment in the case of the late Sir J. Harvey who was sent from the Government of New Brunswick to that of Newfoundland. The salaries of the Governors of these two Colonies being the same, neither of them would have reason to complain of the change on that score; besides Responsible Government being in full operation in New Brunswick, Mr. Hamilton might be kept there, if he is capable of receiving improvement from his past experience.<sup>3</sup>

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<sup>1</sup>C.O. 194/146, p. 481, Little to Merivale, March 5, 1855 and minute written by Sir George Grey, March 6, 1855.

<sup>2</sup>Manners-Sutton, John Henry Thomas (1814-1877), afterwards third Viscount Canterbury, Lieutenant Governor of New Brunswick, 1854-1861 (DNE, XII, 944-945).

<sup>3</sup>C.O. 194/146, pp. 482-483, Little to Merivale, March 6, 1855.

However, the Colonial Office merely replied that the government's decision would be communicated to the Governor.<sup>1</sup> Little was upset that he was not being taken into Grey's confidence. On his previous missions, in 1853 and 1854, he had been informed, if only in general terms, of the Colonial Secretary's views. Now it appeared that he was being treated as a "private gentleman". He felt that Grey had countenanced Governor Hamilton's "premeditated design... in dissolving the Assembly, after my appointment, that he might be enabled to raise this objection and thus frustrate the delegation". In desperation he threatened that, if he was to return to Newfoundland without even learning the government's decision, Roebuck and Bright would bring the affair before Parliament.<sup>2</sup>

As Little failed to obtain the information he desired, Roebuck, on March 20, gave notice in the House of Commons that he would present a petition from the Newfoundland Assembly. Besides Roebuck, several other members, among them Lord Palmerston, John Bright and Sir John Pakington spoke during the debate.<sup>3</sup> Then, before a vote could be taken, Palmerston told Roebuck that the government had decided to remove Governor

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<sup>1</sup>Ibid., p. 479, Merivale to Little, March 12, 1855, draft.

<sup>2</sup>Ibid., pp. 484-485, Little to Grey, March 15, 1855.

<sup>3</sup>Newfoundlander, April 19, 1855, from London Times, March 21, 1855, proceedings of House of Commons, March 20, 1855.

Hamilton.<sup>1</sup>

A despatch had been sent to Hamilton on March 16 informing him of his "promotion" to the government of Antigua. The West Indian post was to have been filled by Charles Henry Darling, who had just returned from the Cape of Good Hope. Fortunately, Darling was just as willing to go to Newfoundland. "Whatever the precise results of the coming election may be," Grey wrote to Hamilton, "there can be unfortunately but little doubt that it will leave Newfoundland, as before, divided between two stormy parties: conciliation or compromise between these parties is the best object towards which a Governor can direct his efforts". While "it would be extremely difficult for [Hamilton] to succeed in such endeavour", Darling would have the advantage of meeting the new Assembly "without any former connexion with the politics of the Island".<sup>2</sup>

Thus Little's pertinacity was rewarded. For, undoubtedly the Liberal leader's presence in London for three months and his stubborn refusal to acquiesce in Grey's support for the Governor's action played an important part in changing the Colonial Secretary's mind about Hamilton. After learning of the success of his mission, Little lost no time in departing for the colony, aware as he was that only a few weeks remained before polling day.

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<sup>1</sup>Newfoundlander, April 16, 1855.

<sup>2</sup>C.O. 194/144, pp. 38-41, Grey to Hamilton, March 16, 1855, draft.

Chapter VI

THE INAUGURATION OF  
RESPONSIBLE GOVERNMENT, 1855

The Liberals of course were glad that Governor Hamilton was to leave. Still, there was no guarantee that his successor would act impartially. The Colonial Office believed that Darling's lack of any former connection with Newfoundland politics would be an advantage.<sup>1</sup> But Governor Hamilton had had no connection with the island previous to his arrival in 1852, and he had turned out to be anything but impartial. Certainly the old Council, who were to be until the inauguration of responsible government his confidential advisers, could be expected to use their influence to gain an advantage for the Conservative party. Even if the Liberals won the election, the Conservatives would be reluctant to give up their ascendancy. The smoothness of the transition to responsible government would undoubtedly depend on Governor Darling's personality.

The immediate problem, once Governor Hamilton's removal had been secured, was, as stated in P.F. Little's electoral address, "whether Responsible Government shall be introduced by those who won it, ... or by those who thwarted their exertions".<sup>2</sup> By the time that Little returned to St. John's on April 16, 1855, candidates were already addressing the "free and independent electors".

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<sup>1</sup>C.O. 194/144, p. 39, Grey to Hamilton, draft, March 16, 1855.

<sup>2</sup>Newfoundlander, April 26, 1855.

As early as January, 1855, John Kent had criticized the political apathy in the colony. The time chosen for the election, he felt, was so favorable to "mercantile influence" that the "just equilibrium of parties" was in danger. "I am astonished," he wrote in a letter to the editor of the Newfoundlander, "at the disinclination manifested by our political leaders to arouse the public mind". Nothing could "save the unprotected masses", but "organisation of the country by public meetings". Moreover, this organization would have to begin in the capital; "the outports will follow in the wake of the public opinion launched in St. John's".<sup>1</sup>

R.J. Parsons, in a display of loyalty to Philip Little, had condemned Kent's "injudicious" remarks. He had declared that the Liberal party had decided to "make no active demonstration till they hear from their principal leader, P.F. Little". Parsons had feared that, besides betraying "an apparent anxiety to deplume an absent leader", Kent was wrongly interpreting the "quiescence... of the liberal party". Kent's letter in the Newfoundlander, Parsons had written, must have been "cheering" to the Conservatives. On the one hand Parsons had felt that the party ought to postpone appealing to the constituencies.<sup>2</sup> On the other hand, Kent had argued that when Little returned from England "12-14,000 men will be engaged

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<sup>1</sup>Ibid., January 25, 1855, Kent to editor.

<sup>2</sup>Patriot, January 29, 1855.

in the seal fishery".<sup>1</sup>

After Kent's admonition to the Liberals, the Conservative Public Ledger had appealed for a "union of Protestants". So far as the Ledger was concerned, the question at issue was "whether a Protestant or a Roman Catholic government shall rule Newfoundland; in other words, whether Queen Victoria or the Roman Catholic Bishop... shall be the fountain of honour, and dispense the power and patronage of the country". Henry David Winton, the founder of the Public Ledger, had died in January, 1855. His eldest son, Henry, the new editor, was no less conservative than his father had been. Despite the unfairness of the new Representation Act, he wrote, "we can still protect ourselves by union". Winton, and the Conservatives in general, hoped that Wesleyans and Anglicans would "unite as one man" to prevent the dreaded Roman Catholic ascendancy.<sup>2</sup> Whereas the Conservatives worked for a union of Protestants, the Liberals urged the "operative population" regardless of denomination to unite in order to "crush the evil of commercial monopoly".<sup>3</sup>

The Liberal press -- the Patriot, the Newfoundlander,

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<sup>1</sup>Courier, January 31, 1855, Kent to editor, January 30, 1855.

<sup>2</sup>Public Ledger, February 9, 1855.

<sup>3</sup>Newfoundlander, April 26, 1855, P.F. Little's electoral address.

and the Courier -- suggested to the Wesleyans that their interests would be promoted by throwing in their lot with the Roman Catholics. Joseph Woods, the editor of the Courier, was himself a Wesleyan and a staunch Liberal supporter. However, the two Wesleyans who had been elected in 1852 (John Bemister, Conception Bay and Stephen March, Trinity Bay) had voted invariably with the Conservative minority. The Wesleyan editor of the Harbour Grace Herald, a journal which was no longer being published in 1855, had also supported the Conservatives. In 1854, prominent St. John's Wesleyans had been members of the arch-conservative Central Protestant Committee. It would seem then, that in supporting the Liberal party, Joseph Woods was an exception among Wesleyans.

In the face of the Conservatives, their common enemy, Kent and Parsons had ended their quarrel. When they had learned that Little would have to stay in England longer than he had anticipated, a Liberal committee, on February 23, 1855, had held a meeting in the Colonial Building to nominate candidates for the two St. John's districts. The committee, of which Thomas Glen was chairman and John Little secretary, passed a number of resolutions on the subject of the election campaign. They chose as candidates for St. John's East, John Kent, R.J. Parsons and Peter Winser. P.F. Little, Ambrose Shea and John Fox were to run in St. John's West. All except Fox, a Roman Catholic merchant, had sat in the former Assembly.

Besides nominating candidates, the committee decided to open a correspondence "with the late Liberal Members and the true friends of Reform in the extern Electoral Districts, for the purpose of organizing Election Committees therein and raising funds to assist in the triumphant return at the next Election of none but honest and true advocates of Reform".<sup>1</sup>

There is no such evidence of Conservative party organization. The Liberal papers claimed that the Conservative campaign was being run by the Central Protestant Committee, which had been set up in 1854 to arouse Protestant opposition to the Assembly's representation bill. It was as the representative of this committee that Hoyles had gone to London in the summer of 1854. During the election campaign the Patriot referred to it as the "Central Orange Committee". The Courier called it "a certain secret conclave of whom hardly anybody knows anything, but who claims... implicit obedience from the various Protestant bodies of the country".<sup>2</sup> The Conservative press insisted that, far from nominating candidates, the committee had not even met for several months. Nevertheless, it is evident that Conservative activity was being directed by some party organization under the leadership of Hugh W. Hoyles.

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<sup>1</sup>Courier, February 24, 1855; Patriot, February 26, 1855; Public Ledger, February 27, 1855, report of Liberal meeting, February 23, 1855.

<sup>2</sup>Courier, March 24, 1855.

Bishop Mullock, publicly at least, did not participate in the election campaign. Indeed, he seems to have retired from politics after the Liberal victory in 1852. By 1855 the party was well organized and Little's leadership went unquestioned. The party effectively controlled the nomination of Liberal candidates, especially in Roman Catholic districts. In certain districts men announced their candidacy as Liberals, only to withdraw in favour of official party nominees.<sup>1</sup>

The 1855 election campaign was lukewarm. On polling day, May 12, only four districts (Bay de Verds, Bonavista Bay, Fogo and Burin), all with Protestant majorities, were contested. The Wesleyan district of Bay de Verds returned a Wesleyan Conservative, John Bemister. His defeated opponent was David Walsh, a Roman Catholic Liberal.<sup>2</sup> In Bonavista Bay, the three Conservative party candidates were elected. Fogo returned two Conservatives. G.H. Emerson, who had been elected there in 1852 as a Conservative and had later joined the Liberals, was defeated.

Burin apparently was the only district in which rivalry between Anglicans and Wesleyans affected the result. According to the 1845 census the population of Burin was composed of 1,183 Wesleyans, 1,951 Roman Catholics and 1,221

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<sup>1</sup>Newfoundlander, February 25, 1855, electoral addresses of E. Morris and J. Tobin.

<sup>2</sup>Patriot, April 30, 1855, electoral address of David Walsh.

members of the Church of England.<sup>1</sup> In 1855 its two seats were contested by four candidates. Clement Benning, a Roman Catholic, and Joseph Woods of the Courier, a Wesleyan, were put up by the Liberals. In an attempt to split the Wesleyan vote, the Conservatives also ran a Wesleyan, William Freeman. The last candidate to appear was Patrick Morris, a Roman Catholic who seems to have been supported by the Conservative party. The outcome was that Protestant Burin returned two Roman Catholics.

The editor of the Courier blamed his defeat on the Anglican clergyman at Burin, Mr. Gathercole. According to Woods, Gathercole, in order to prevent the election of a Wesleyan, had induced Morris to run. Thus, Morris's success had been brought about by Roman Catholics, who had tended to vote for both candidates of their own denomination, and by a concentration of the Anglican interest which Gathercole evidently commanded. Most of the Wesleyans, it would seem, had supported the Liberal candidates, Woods and Benning.<sup>2</sup>

Woods maintained that the Conservatives had not expected victory for their candidate Freeman. Their object had been to defeat the Wesleyan Liberal. The Central Protestant Committee, wrote the editor of the Courier, had given

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<sup>1</sup>Abstract Census and Return of the Population, etc. of Newfoundland, 1857 (St. John's: 1857). The 1857 Census contains denominational figures from the 1845 Census.

<sup>2</sup>Express, June 5, 1855.

"their names, their influence and their money for the purpose of assisting the Rev. Mr. Gathercole in securing the defeat of a Wesleyan... and making good the return of a Roman Catholic in his stead".<sup>1</sup>

James Seaton, the Conservative editor of the Express, who had accompanied Freeman during his campaign in Burin, expressed the opinion that the Anglicans had "acted most wisely in preferring a Roman Catholic gentleman [Morris] ... to the trumpery tool of the Courier. That we contributed to the defeat of Mr. Woods", continued Seaton, "we are proud to admit".<sup>2</sup>

In 1854 the Assembly had maintained that under their representation bill sixteen Protestants and fourteen Roman Catholics could be returned. Actually, in the 1855 election fifteen of the successful candidates were Roman Catholics and fifteen were Protestants.<sup>3</sup> According to the Conservative interpretation of politics, this should have meant a deadlock in the Assembly. The Express concluded that Emerson's defeat in Fogo and Woods' defeat in Burin "clearly shows that the misnomer of 'Liberal Protestantism' finds no favour with the Protestant Electors".<sup>4</sup> However, the return of fifteen

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<sup>1</sup>Courier, May 26, 1855.

<sup>2</sup>Express, June 5, 1855.

<sup>3</sup>See Appendix D, Table III, p. 242.

<sup>4</sup>Express, June 5, 1855.

Protestants and fifteen Roman Catholics was not an indication of party standings. Harbour Grace had a very large Protestant majority. Yet it returned one Protestant and one Roman Catholic, both of whom were Liberals. Two Protestant Liberals, Thomas Glen and R.J. Parsons, were elected in Roman Catholic districts. All the successful Conservative candidates, except Patrick Morris, were Protestants. Even though Morris appeared to have been supported by the Conservatives, it is possible that he was not a Conservative at all, but an independent. Thus, while it was evident that the Liberals had won a majority of seats, the precise strength of parties would not be determined until the Assembly met.

Throughout the 1854 dispute over the representation bill both the Conservatives and the Liberals had assumed that Harbour Grace would return two Protestants. Yet the Conservative party in 1855 had not even contested the district. Perhaps the election in that district was strongly influenced by merchants who gave their support to the Liberal candidates, Hayward and Prendergast.<sup>1</sup> However, the fact that only four of the fifteen districts were contested seems to indicate that, with the sudden increase in the size of the Assembly from fifteen to thirty members, the demand for candidates in Newfoundland had outstripped the supply. Probably, had a more suitable man been available in Harbour Grace, the Liberal

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<sup>1</sup>See Appendix D, Table III, p. 242.

party would have opposed James Luke Prendergast. After all, in 1852 they had secured his defeat.

Having won the election the Liberals naturally wanted an early meeting of the legislature. Darling found himself in an embarrassing position. When he had left England in April, the Colonial Office still had not ascertained from Governor Hamilton whether it was legally necessary to form the new Legislative Council before the Assembly met. Under these circumstances, it had been decided that Darling should administer the government under Hamilton's Commission and Royal Instructions.<sup>1</sup> Accordingly, on May 3, 1855, the day after Hamilton's departure, Darling had been sworn in, not as Governor of Newfoundland, but as Administrator.<sup>2</sup> By April 24 the Colonial Office had learned from Hamilton that there was no legal objection to postponing the separation of the Councils.<sup>3</sup> Yet Darling's Commission and Instructions were not sent immediately. The Duke of Newcastle had explained in his despatch of February 21, 1854, that when the time was "ripe" new Royal Instructions would be issued under which the old Council might be transformed into a Legislative Council, and a separate Executive Council

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<sup>1</sup>C.O. 194/144, p. 40, Grey to Hamilton, draft, March 16, 1855.

<sup>2</sup>N.A., S 4, 2, Minutes of the Executive Council, 1842-1855, May 3, 1855, p. 340.

<sup>3</sup>C.O. 194/144, p. 45, Hamilton to Russell, April 3, 1855, minute written by Herman Merivale, April 24, 1855.

might then be created.<sup>1</sup> Therefore, after the 1855 general election Darling could not put responsible government completely into operation. In the absence of new Instructions he could not form separate Councils. He could not even make appointments to the existing Council unless the number of members residing in Newfoundland was reduced to six.<sup>2</sup>

The Conservatives, and Darling himself, felt that the most sensible course would be to let the old government remain in office until the new Instructions arrived. But as the Revenue Act was due to expire on May 27, it was essential that the legislature be convened before then. Moreover, the Liberals indicated that they would pass no revenue bill before responsible government was actually introduced. Hamilton had intended to open the session as late as May 25, but Darling, anxious not to imperil the Revenue Act, summoned the legislature for May 22.<sup>3</sup> On May 14, E.M. Archibald, the Attorney General, wrote to his wife describing the "new hitch in this blessed tangle":

No instructions have come out to divide and reconstitute the Council and it is a puzzle how responsible government can yet be inaugurated.

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<sup>1</sup>N.A., G 1, 25, Despatches from C.O., 1854, Newcastle to Hamilton, February 21, 1854.

<sup>2</sup>Journal of the Assembly, 1853, Royal Instructions, Clause III, p. vii.

<sup>3</sup>C.O. 194/144, pp. 107-114, Darling to Russell, May 15, 1855.

The Government must meet the House with the old Council. The "Rads" won't say what they will do, and threaten troubles, loss of the Revenue Bill, etc. if they are longer kept out of their offices. We are trying to devise how we can resign and let them in, and I hope we may succeed, as I have no desire to be in the state of warfare longer. I hope that they can contrive it somehow.<sup>1</sup>

After several days a solution to the "puzzle" was found. On the day of the opening the Attorney General, the Colonial Secretary and the Surveyor General tendered their resignations. It was understood that immediately after the Assembly had met and the strength of parties had been tested, their resignation would be accepted and their successors appointed. Under the old Instructions these officials had to be members of the Council. Under the new system they might be members of the Assembly. Therefore the new Attorney General, Colonial Secretary and Surveyor General were to be appointed provisionally, so as to avoid taking seats in the old Council and relinquishing their Assembly seats.

The Administrator's opening speech, delivered "in a stentorian voice, ... under all circumstances was a capital one, a good deal in the Sir John Harvey style". E.M. Archibald, who was present as a member of the Council, thought Darling was "wise in sinking bygones and looking to the future as bright and promising".<sup>2</sup> Darling declared himself a "sincere believer"

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<sup>1</sup>E.M. Archibald to Mrs. Archibald, May 14, 1855, in Edith J. Archibald, Life and Letters of Sir Edward Mortimer Archibald (Toronto: Morang, 1924), p. 71.

<sup>2</sup>Ibid., May 26, 1855, p. 74.

in the benefits that might result from the new system. Tactfully he announced that he intended to take "immediate measures" to establish responsible government. All the indispensable conditions had been fulfilled, he said, except the creation of separate Executive and Legislative Councils. In spite of the fact that his Commission and Instructions had not arrived he had concluded that his "inability to increase the Council beyond the existing maximum of ten; or formally to constitute a separate Council of Advice, presents no practical impediment to the immediate inauguration of the new system". Therefore he was ready to "form an Administration enjoying the declared confidence of a majority of the Assembly". He awaited "only that indication of opinion which the course of Parliamentary action will doubtless soon afford".<sup>1</sup>

The Liberals lost no time in attempting to test the strength of parties. Already Little had secured without opposition the election of a fellow Liberal, Ambrose Shea, as Speaker. Now E.D. Shea moved the appointment of a committee to prepare an address in reply. The Conservatives would not vote against the motion. Then P.F. Little proposed the following resolution in amendment of the original motion:

Resolved, -- That this House, having no confidence in the existing Council, deem it inexpedient to reply to the gracious Speech with which His Excellency has been

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<sup>1</sup>Journal of the Assembly, 1855, 1st sess 6th G.A., May 22, pp. 5-9.

pleased to open the present session of the Legislature, until provisional Executive and Legislative Councils shall be organised in accordance with the well understood principles of Responsible Government and that this Resolution be forthwith transmitted by Mr. Speaker to His Excellency for his information.<sup>1</sup>

H.W. Hoyles, the Conservative leader, said that he could not understand a vote of want of confidence when the government was not present in the House. He pointed out that the existing government had agreed to the introduction of responsible government; they "had in a manner declared themselves defunct". As, indeed, all parties agreed to its introduction, what was there to divide on? He and his friends, therefore, "would... readily assent to the Resolution".<sup>2</sup>

In the face of the Conservatives' refusal to go to a division on two contradictory motions, James L. Prendergast called upon Little to withdraw his amendment and "give us something spicy instead of it, something to draw the blood, and then a division would come".<sup>3</sup> Little's resolution was accordingly withdrawn, and a more specific amendment was substituted by Parsons:

That it is the opinion of this House that His Excellency the Governor be recommended to send for P.F. Little,

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<sup>1</sup>Ibid., p. 9.

<sup>2</sup>Newfoundlander, May 24, 1855, proceedings of Assembly, May 22, 1855, Hoyles' speech.

<sup>3</sup>Ibid., Prendergast's speech.

Esquire, member for the electoral division of St. John's, West, as possessing the confidence of this House, to form an administration, and that Mr. Speaker do forthwith transmit this resolution to His Excellency the Governor.<sup>1</sup>

The ascendancy of the Liberal party was clearly established by the fact that in a House of twenty-eight members, Parsons' motion was carried by sixteen to eleven. The Speaker was also a Liberal. Of the two absent members, one (Clement Benning, Burin) was a Liberal; the other (Robert Prowse, Burgeo and LaPoile) was a Conservative. Thirteen Roman Catholics and three Protestants supported the motion. All who opposed it were Protestants, composed of eight Anglicans and three Wesleyans. Patrick Morris, who might have been expected to support the Conservatives, voted instead with the Liberals. To sum up, it was apparent that party standings in the House would be eighteen Liberals and twelve Conservatives.<sup>2</sup>

The Attorney General regarded the motion as "the most unconstitutional dictation to the Governor, as to whom he should consult in forming the Ministry".<sup>3</sup> Nor did the irregularity of the proceeding escape Darling's notice. At first he resolved to take no further steps towards forming a government until he had established a "proper understanding"

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<sup>1</sup>Journal of the Assembly, 1855, May 22, pp. 9-10.

<sup>2</sup>See Appendix D, Table III, p. 242.

<sup>3</sup>E.M. Archibald to Mrs. Archibald, May 26, 1855 in E.J. Archibald, Life and Letters of Sir Edward Mortimer Archibald, p. 74.

with the House.<sup>1</sup> He, too, felt that the Assembly was guilty of "direct interference with the right of the Crown to choose its own servants",<sup>2</sup> even if that had not been their intention.

To put them in their place he prepared a message which Archibald described as "neat, still cutting".<sup>3</sup> This he planned to send to the House of Assembly. It explained why, in the absence of new instructions, he could not appoint, even provisionally, members to an Executive Council which did not legally exist. Therefore, wrote Darling, it was "impossible to meet the wish of the Honorable House for the immediate formation of a Separate Executive Council".<sup>4</sup> Under the Royal Instructions to Ker Baillie Hamilton, he continued, he could not even appoint provisional members to the existing Council, unless fewer than seven Councillors were living in the Colony.<sup>5</sup> With these restrictions he could only put responsible government into operation incompletely. In conclusion he acknowledged the "explicit intimation" of the Assembly's opinion which had been revealed to him by their resolution:

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<sup>1</sup>C.O. 194/144, p. 133, Darling to Russell, May 29, 1855.

<sup>2</sup>C.O. 194/144, p. 163, Darling to Russell, private and confidential despatch, May 30, 1855.

<sup>3</sup>Archibald, *loc. cit.*

<sup>4</sup>C.O. 194/144, pp. 163-166, Darling to Russell, private and confidential despatch, May 30, 1855, enclosure, p. 171, Darling to House of Assembly, May 23, 1855.

<sup>5</sup>Journal of the Assembly, 1853, Royal Instructions, Clause III, p. vii.

[The] new system once fairly in operation, the principles of Constitutional Government will render the Selection of the Individual through whom or, the mode by which a change of Government, when necessary to meet the just expectations of the people, should be effected, a responsibility devolving exclusively upon Her Majesty's Representatives; the judicious exercise of which will be tested by the support in the Legislature which the new Government when formed, may be found to command.<sup>1</sup>

Experienced members of the old Council must have been pleased by the Liberals' error. "All next day", Archibald wrote to his wife, "Mr. Little was walking about in great wonderment that he had not been sent for". The House met at two o'clock on May 23, but no reply having been received from Government House, they adjourned until six. Then the Speaker called on Darling, ostensibly to pay his respects, and "found out the faux pas".<sup>2</sup> He managed to convince the Administrator that the Assembly had not intended to dictate to him. Little was then sent for, Darling "apprizing him distinctly that I had not requested his attendance in consequence of the Resolution of the Assembly". The Liberal leader assured him that in referring to a "Provisional Executive Council" the House had meant nothing more than a "Provisional Executive Government". He explained that the refusal of the Conservatives to divide on a "simple motion of want of confidence" had caused the Liberals to resort to their Resolution "as the best

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<sup>1</sup>C.O. 194/144, pp. 163-166, Darling to Russell, private and confidential despatch, May 30, 1855, enclosure, p. 174, Darling to House of Assembly, May 23, 1855.

<sup>2</sup>Archibald, loc. cit.

expedient for forcing a Division." He promised that, in the address in reply, the Assembly would allude to their irregular proceeding in order to settle the point of principle.<sup>1</sup>

In this way they managed to smooth over the misunderstanding, and Darling was induced not to send the message he had earlier prepared. So far as the Conservatives were concerned, the reconciliation was much to be regretted. They felt that the message "would have brought them [the Liberals] to their senses". It would have "curbed their arrogance and taught them better manners". As it was, Archibald believed they would "take care how they trespass on his [Darling's] prerogatives again".<sup>2</sup>

On May 23 Darling, satisfied that he had put the Assembly in their place, "formally committed to Mr. Little the duty of forming a Colonial Administration".<sup>3</sup> In addition, because of the resignation of Crowdy, Archibald and Noad, three seats in the Council could be placed at Little's disposal. The Council would then consist of three Conservatives and four Liberals. In other words, Little's party would be given a working majority in the upper house. Although Darling would, until the arrival of his instructions, have to go through the

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<sup>1</sup>C.O. 194/144, pp. 163-166, Darling to Russell, private and confidential despatch, May 30, 1855.

<sup>2</sup>Archibald, *loc. cit.*

<sup>3</sup>C.O. 194/144, pp. 163-166, Darling to Russell, private and confidential despatch, May 30, 1855.

formality of consulting the old Council, he promised the Liberal leader that, in matters of government policy, he would "advise only with the new Administration". In a letter to Little he explained his views on the eventual formation of a Legislative Council.<sup>1</sup>

After a conference with his party, Little rejected Darling's suggestion that the three remaining Conservatives in the existing Council might be continued in the Legislative Council. Darling seemed willing to bend over backwards in order to please the majority party. He agreed, in writing, that unless their names were actually mentioned in the Royal Instructions the three old Councillors might be dropped.<sup>2</sup>

On May 24, after Little had undertaken to form an administration, but before the resignation of the old officials had actually been accepted, the Assembly passed a revenue bill. The rules of the House were suspended and the bill was passed through all its stages in a single sitting. It was merely a renewal of the existing Revenue Act with a repealing clause designed to enable the colony later in the session to enter into the terms of the Reciprocity Treaty.<sup>3</sup>

Meanwhile, the Conservatives found "very amusing" the reports of Liberal meetings and the organization of the

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<sup>1</sup>Ibid., p. 175, enclosure, Darling to Little, May 23, 1855, copy. See also Appendix H, pp. 264-265.

<sup>2</sup>See Appendix H, p. 266.

<sup>3</sup>Journal of the Assembly, 1855, May 24, pp. 11-15.

"new Cabinet".<sup>1</sup> After "great choppings and changings" the Liberals at last decided on their ministry.<sup>2</sup> The acting officials were to be P.F. Little, Attorney General; John Kent, Colonial Secretary; Thomas Glen, Treasurer and Collector of Customs; Edmund Hanrahan, Surveyor General; and G.H. Emerson, Solicitor General. All except Emerson were members of the House of Assembly. On May 25, 1855, the resignation of the old officials was accepted solely because they did not possess the confidence of a majority of the elected representatives. The principles of responsible government were at last put into practice.

On the same day, Darling, on the recommendation of Little and his "colleagues elect", nominated three new Councillors to replace those who had resigned. James Tobin, Dr. John Rochfort and G.H. Emerson took their seats in the old Council, alongside O'Brien and the Conservatives.<sup>3</sup>

The transition was impeded when Robert Carter, who had been Treasurer since 1849, refused to give up his office. Carter was not a member of the Council; as a matter of fact he had just been elected to the Assembly. In 1854 his demands for a retiring allowance had not been met by the Liberals who had maintained that he had been appointed with a full knowledge

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<sup>1</sup>Archibald, *op. cit.*, p. 73.

<sup>2</sup>*Ibid.*, p. 74.

<sup>3</sup>N.A., S 4, 2, Minutes of the Executive Council, 1842-1855, pp. 341-342, May 25, 1855.

of the Assembly's 1849 resolution. This resolution, which had received the Colonial Secretary's approval, declared that all persons accepting executive offices thereafter would be liable to removal upon the introduction of responsible government. Carter denied that he had been appointed under that condition. Darling then brought to his attention Lord John Russell's despatch of October 16, 1839, which stated that certain colonial offices were to be held only during the Queen's pleasure. According to Russell, officials were subject to removal on the grounds of public policy alone. Although this despatch had been promulgated in Newfoundland, Carter claimed to be unacquainted with it.<sup>1</sup> Nevertheless, Darling, on May 28, requested him to vacate his office at once. Thomas Glen, he explained, would assume the duties of Treasurer "tomorrow".<sup>2</sup>

Darling received his Commission as Governor and his Royal Instructions on June 11, 1855.<sup>3</sup> Straightway he took steps to create an Executive Council in accordance with the third clause of the Instructions. The following day at two o'clock the acting Attorney General submitted to His Excellency the names of the men who were to compose "an Executive Council and cabinet under the new form of Government". Of the old

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<sup>1</sup>Royal Gazette, December 31, 1839, Russell to Prescott, circular despatch, October 16, 1839.

<sup>2</sup>C.O. 194/144, pp. 131-147, Darling to Russell, May 29, 1855; and enclosure, p. 159, Darling to Carter, May 28, 1855, copy.

<sup>3</sup>N.A., S 4, 2, Minutes of the Executive Council, 1842-1855, p. 343, June 12, 1855.

Council only Laurence O'Brien remained.<sup>1</sup>

On June 14, after the Executive Council had been sworn in, Governor Darling brought under their consideration the appointment of a Legislative Council. He had come to an understanding with Little on May 23 that a majority of the upper house would be government supporters, while the remainder would represent the views of the Conservative party.<sup>2</sup> Now Darling submitted to the Executive Council a list of the members of the old Council who had not resigned, as well as the names of those who had been recommended to the Colonial Office by Governor Hamilton for seats in the Legislative Council. Darling stated plainly that it was not his "intention to make any recommendation or proposal in reference to the Individuals who are to constitute the Council".<sup>3</sup> He was also careful not to suggest that Protestants and Roman Catholics should be equally represented. Rather, he asked his Executive Council to indicate their choice of members.<sup>4</sup>

Nevertheless the appointees proposed by Little were found to include seven Protestants and six Roman Catholics. Later Robert Alsop, a Protestant, was to decline the honour,

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<sup>1</sup>N.A., S 4, 3, Minutes of the Executive Council, 1855-1861, p. 1, June 12, 1855.

<sup>2</sup>See Appendix H, p. 265.

<sup>3</sup>N.A., S 4, 3, Minutes of the Executive Council, 1855-1861, p. 2, June 14, 1855.

<sup>4</sup>C.O. 194/144, p. 223, Darling to Russell, June 25, 1855.

leaving an equal number of each group. As no Conservatives were continued from the old Council, only Laurence O'Brien, president of the Legislative Council, remained from Hamilton's Council. Moreover, not one of the new members recommended by Hamilton was appointed.<sup>1</sup> Eight of the Legislative Councillors were merchants. Governor Darling took pains to explain to the Colonial Secretary that, whereas the upper house contained only one "legal gentleman" (Emerson), the Assembly had no fewer than six (Little, Hanrahan, Hayward, Hogsett, Hoyles and F.B.T. Carter). In the Legislative Council Emerson and the six Roman Catholics were considered to be Liberals. Darling understood that the other five members, who included three Anglicans, a Presbyterian and a Wesleyan, would form the opposition.<sup>2</sup> None of them seems to have been markedly antagonistic towards the Liberals. For example, James Johnstone Rogerson, the first Wesleyan to be appointed to a Newfoundland Council, in May had nominated the Liberal candidate John Fox for the district of St. John's West. Hoyles clearly did not count Rogerson, at least, among the Conservatives in the upper house.<sup>3</sup>

Some of the old Councillors had been reluctant to give up their seats. Expressing surprise that James J. Grieve

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<sup>1</sup>See Appendix C, Table III, p. 238.

<sup>2</sup>C.O. 194-144, pp. 218-232, Darling to Russell, June 25, 1855.

<sup>3</sup>Newfoundlander, June 21, 1855, proceedings of Assembly, June 18, 1855, Hoyles' speech.

and Thomas B. Job had not resigned immediately after the inauguration on May 25 of responsible government, E.M. Archibald had written to his wife, "it is surprising how tenacious they are of the honour".<sup>1</sup> Grieve resigned on June 4. Job eventually told the Governor that unless his name was mentioned in the Royal Instructions he had no desire to be included in the Legislative Council. Charles Fox Bennett, who was later to found the party which defeated Confederation, questioned the Governor's right to remove him. His claim to retain his seat was rejected by the Colonial Office.<sup>2</sup>

Once their power and their positions were lost, the old oligarchy lost no time in "selling off" and leaving the colony. Included in the exodus were Crowdy, Archibald, Job, Grieve and Noad.<sup>3</sup> As Little and his political friends at last began to draw their salaries the old officials, as the Liberals had predicted, left Newfoundland "to enjoy their Pensions in some more favoured land".<sup>4</sup> According to Archibald, "on all sides" there was "nothing but lamentation at the

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<sup>1</sup>Archibald, *op. cit.*, p. 74.

<sup>2</sup>C.O. 194/144, p. 239, Darling to Russell, June 25, 1855, enclosures; and draft reply, Molesworth to Darling, August 2, 1855.

<sup>3</sup>Archibald, *op. cit.*, p. 74. Newfoundlander, May 31, 1855, auctions advertised.

<sup>4</sup>C.O. 194/146, p. 459, Little to Grey, January 8, 1855, enclosure, The Case of the People of Newfoundland against Governor Hamilton, December 26, 1854.

emigration".<sup>1</sup> However, it is difficult to believe that the Liberals felt much sorrow at their departure.

A quarrel arose between the Liberals and the Conservatives over the case of Bryan Robinson. Before Hamilton had recommended him in December, 1854, for a seat in the Legislative Council, Robinson had intended to run as a Conservative candidate in the new district of B urgeo and LaPoile. Although, Hamilton had written to Sir George Grey, there was no doubt that he would have been returned, he had withdrawn from the election campaign "in full confidence of being a Member of the future Legislative Council".<sup>2</sup> When the Colonial Office had decided that the upper chamber should not be formed until the Assembly had met, it was generally felt among the Conservatives that Robinson could scarcely be kept out of the Council. Nevertheless, the three vacancies created on May 25 had been filled with Liberals. Archibald had then written to his wife of Robinson's predicament:

Poor Robinson is dreadfully chagrined and mortified, that he is not put in the Council. After being recommended, nay, pledged for a seat by Mr. Hamilton, and, indeed, on the faith of the Government. If the Rads can have their own way they won't let him in at all; but I am certain he will be named when the Council is extended.

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<sup>1</sup>Archibald, *op. cit.*, p. 75.

<sup>2</sup>C.O. 194/142, pp. 243-248, Hamilton to Grey, December 29, 1854.

Archibald, who planned to leave the island for good, could not understand why anyone should want to have dealings with the despicable "Rads". His own resignation had just been accepted when he wrote, "I can't say I regret parting with my office....Gracious knows what changes they may make! and then the tyranny of their rule!" Referring again to Robinson he commented, "But what an honour to covet!... to be colleagues of Tobin, Emerson [sic] and Rockford [sic], and gracious knows who by and by!"<sup>1</sup>

Conservatives whose permanent homes were in Newfoundland were very much afraid that seats in the Legislative Council would be filled, not by the Governor, but by Philip Francis Little. Hoyles had tried to prevent Little's assumption of this power by an amendment to the Assembly's address in reply:

... but we further trust that in filling up the Legislative Council, Your Excellency will in the independent exercise of Your High Functions make such a selection of Individuals as will render that Body a fair Representation of all Sections of the Community; and that you will not by permitting yourself to be governed in this selection by the advice of your Ministry for the time being, adopt a course at once unconstitutional, unprecedented and unjust -- a course which while it virtually relinquishes to a Party the prerogative and duty of the Crown, will be the cause of much evil in the future working of the Legislature.<sup>2</sup>

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<sup>1</sup>Archibald, *op. cit.*, p. 74.

<sup>2</sup>*Newfoundlander*, May 31, 1855, proceedings of Assembly, May 29, 1855, Hoyles' amendment.

Needless to say, the amendment had been defeated.<sup>1</sup>

Then the Royal Instructions had come, entrusting to the Governor the power of appointing provisionally a Legislative Council. Darling had accepted the advice of his Executive Council. As a result neither Bennett nor Robinson was given a seat, and the Conservatives continued to complain. In the House of Assembly on June 18, Hoyles proposed several resolutions which strongly condemned the manner in which Governor Darling had inaugurated responsible government and formed the Legislative Council. The Conservative leader asserted that the Governor had acted illegally in establishing "party government" before a Legislative Council had been constituted, and that he had violated the constitution by placing the nomination of the upper House in the hands of the Liberal party. Furthermore, the "power thus illegally delegated" had been "grossly abused" by the Liberals. They had, the Conservative leader charged, excluded from the Council "men of acknowledged character, competency, and ability" merely because they were Conservatives. The Liberal ministry, in making the Legislative Council the "mere reflex of a party in the Assembly" had rendered "legislation in the event of a change of Government almost impossible".

Hoyles' June 18 resolutions were moved as an amendment to a motion by Colonial Secretary Kent that the House go into a Committee of Ways and Means. The Speaker ruled that, as

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<sup>1</sup>Ibid., June 7, 1855, proceedings of Assembly, May 30, 1855.

they contained "entirely new matter" and as they had been brought in without notice, they could not be entertained. In view of the Speaker's decision and rather than have the House go into Committee of the Whole on Ways and Means, the Conservatives then moved for an adjournment. All night the quarrel continued with the opposition members "speaking against time". At eight o'clock the next morning the Speaker left his chair, and the House arose without adjourning. When the sitting was resumed at three o'clock that afternoon, Hoyles' motion to adjourn the debate was defeated by a vote of sixteen to eight.<sup>1</sup> Later the Liberals moved to expunge Hoyles' resolutions from the Journals of the House altogether, on the ground that they were "unparliamentary and unconstitutional".<sup>2</sup>

Thus the attempt of the opposition party to condemn the Governor's behaviour in accepting the advice of his ministry with respect to appointments was defeated by the Liberal majority in the House. Moreover, Hoyles failed to secure seats on the Legislative Council for such arch-Conservatives as Bennett and Robinson. Bryan Robinson himself charged that by failing to nominate him Darling had refused to act on his predecessor's instructions. The Governor, on the other hand, maintained that it was Hamilton's "intentions", not his

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<sup>1</sup>Journal of the Assembly, 1855, June 18 and June 19, pp. 29-33; Newfoundlander, June 21, 1855, proceedings of Assembly, June 18 and June 19, 1855.

<sup>2</sup>Journal of the Assembly, June 23, 1855, p. 39.

instructions, which he had declined to follow. Reporting the matter to the Colonial Secretary he denied that he had delegated power to the Executive Council. Rather, he explained, nominations to the Legislative Council had been made "by and with the advice of the Ministry".<sup>1</sup> He conceived that under responsible government his duty was, not to choose individuals, but to see that both parties were represented in the upper house. In the formation of that body, he had contended "for principles and not for persons".<sup>2</sup> His conduct was upheld by the Colonial Office. In Lord John Russell's opinion, "Governor Darling seems to have acted discreetly in very difficult circumstances."<sup>3</sup>

Charles Henry Darling had been born in 1809 at Annapolis Royal, Nova Scotia, where his father was commander of the garrison.<sup>4</sup> His experience in colonial government had been gained in New South Wales, in Jamaica, and at the Cape of Good Hope. In New South Wales he had served as secretary to his uncle, the Governor. In Jamaica he had served under Lord Elgin, who later praised his "ability and tact".<sup>5</sup> He had been

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<sup>1</sup>C.O. 194/144, p. 236, Darling to Russell, June 25, 1855.

<sup>2</sup>See Appendix H, pp. 266-267.

<sup>3</sup>C.O. 194/144, p. 169, Darling to Russell, May 30, 1855, minute written by Russell.

<sup>4</sup>W.A. Calnek, History of the County of Annapolis (Toronto: Wm. Briggs, 1897), p. 177.

<sup>5</sup>The Elgin-Grey Papers, ed. Arthur G. Doughty (Ottawa: Public Archives of Canada, 1937), I, 69, Elgin to Grey, September 14, 1847.

Lieutenant Governor of Cape Colony from 1851 to 1854.<sup>1</sup> So far as Newfoundland was concerned, only the local Conservative party criticized his conduct. Even the displaced Attorney General, Edward Mortimer Archibald, wrote glowingly about Governor Darling:

Of the Governor... I saw from day to day a great deal, and like him much; he is frank, manly, firm, and with much tact and good sense. He felt, of course, that in carrying out the new system, he must be guided, in a great measure, by the views and feelings of the party having the majority in the Assembly; but these [the Liberals] asserted they cared not for the Governor and would have everything their own way, whether he chose or not! I think they have learned by this time that he is not a man to be trifled with and, while he will give the new ministry all legitimate scope, he will have a mind of his own.<sup>2</sup>

Now that responsible government had been introduced, Governor Darling hoped that "any broad lines of distinction between Political Parties" might cease to exist. The actual inauguration of the new system had destroyed one ground of party division. No longer would there be "responsibles" and "anti-responsibles". Darling believed that the appointment of Protestants as well as Roman Catholics to the Executive and Legislative Councils would remove Protestant fears of Roman Catholic tyranny. Little had chosen four Roman Catholics and two Protestants for the Executive Council, while the Legislative

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<sup>1</sup>Prowse, op. cit., p. 469, footnote.

<sup>2</sup>Archibald, op. cit., p. 73.

Council contained six members of each denomination.<sup>1</sup> For his part Darling intended to ignore religious sectarianism. In contrast to his predecessors, LeMarchant and Hamilton, he apologized to the Colonial Secretary for even mentioning "so painful a subject".<sup>2</sup>

Opposition to reciprocal free trade had dwindled. In the House of Assembly on June 28, 1855 only four members voted against the bill which was to give effect "on the part of the island of Newfoundland" to the Reciprocity Treaty.<sup>3</sup> The Liberals looked upon reciprocity as a panacea that would bring Newfoundland out of depression and wipe out the stark poverty which had so long been a prevalent way of life in the colony.

The questions of responsible government and reciprocity having been disposed of, there seemed to be little left for the parties to quarrel over except patronage. The Conservatives were slow to acquiesce in the new order. Hoyles and his friends found it hard to accept the fact that P.F. Little had become the "fountain of honour". During the 1855 session, besides the matter of filling up the Legislative Council, an acrimonious debate occurred over the dispensation

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<sup>1</sup>See Appendix C, Tables II and III, pp. 237-238.

<sup>2</sup>C.O. 194/144, p. 145, Darling to Russell, May 29, 1855.

<sup>3</sup>Journal of the Assembly, 1855, June 28, pp. 47-48.

of Assembly patronage. Hoyles' proposal that "the whole Printing of this House be done by tender" was defeated by a party vote of seventeen to twelve. Consequently, all printing jobs were divided among the three Liberal papers -- the Newfoundlander, the Patriot and the Courier.<sup>1</sup>

For Roman Catholics in Newfoundland the year 1855 marked a coming of age politically. Even though Little had been careful to ensure Protestant representation on both Councils, his government was dominated by men of his own faith. Irish prestige was further enhanced later in the year by the completion of the magnificent new Roman Catholic cathedral in St. John's.

By 1855 Philip Francis Little, the young Catholic lawyer from Prince Edward Island, was the most powerful politician in Newfoundland. Still Darling could write of him, "I found no disposition in Mr. Little to avail himself unfairly of the very strong position he occupies, supported as he is by a majority of two thirds of the Assembly, and the undoubted fact that... no Government could be formed without his cooperation."<sup>2</sup>

Newfoundland had been almost seventy-five years behind Nova Scotia in obtaining representative government. That she won responsible government only seven years later than

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<sup>1</sup>Ibid., June 2, 1855, pp. 24-25.

<sup>2</sup>C.O. 194/144, p. 163, Darling to Russell, private and confidential, May 30, 1855.

her maritime neighbour was due chiefly to the efforts of the dynamic Mr. Little. He had come to Newfoundland in 1844 from a region where the responsible government movement was well under way. In 1850 he had entered Newfoundland politics to find a few straggling "reformers" dissatisfied with the exclusive control of the local oligarchy, yet too immature to organize their opposition. Within a short time he had become the leader of a disciplined political party which refused to settle for anything less than responsible government.

But once his most important victory had been won Little became a man without a cause. In 1858 when he was only thirty-four years old he retired from politics to become a Supreme Court judge. A few years later he left Newfoundland and settled permanently in Ireland, where for many years he was active in the nationalist movement.<sup>1</sup>

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<sup>1</sup>Canadiana, VI, 183-184.

APPENDICES

## APPENDIX A

Administration of the Colonial Office<sup>1</sup>

Date	Prime Minister	Secretary of State	Permanent Under-Secretary	Chief Clerk North American Department
1825		(S. of S. for War and the Colonies)	R.W. Hay	
1827	Canning (Liberal Tory)	F. Robinson (later Viscount Goderich)		
1827	Goderich (Liberal Tory)	W. Huskisson		
1828	Wellington (Tory)	Sir. G. Murray		
1830	2nd Earl Grey (Whig)	Viscount Goderich		
1833		E. Stanley (later 14th Earl of Derby)		
1834 July	Melbourne (Whig)	T. Spring-Rice		
1834 Dec.	Peel (Conservative)	Lord Aberdeen		
1835	Melbourne (Whig)	Lord Glenelg		
1836			(Sir) J. Stephen	
1839		Lord Normanby Lord John Russell		Arthur J. Blackwood c. August 1840-May 1867 <sup>2</sup>
1841	Peel (Conservative)	Lord Stanley (later 14th Earl of Derby)		

(continued on next page)

<sup>1</sup>C.E. Carrington, The British Overseas (Cambridge: University Press, 1950), Appendix I, p. 1039.

<sup>2</sup>David M. Farr, The Colonial Office and Canada, 1867-1887 (Toronto: University of Toronto Press, 1956), p. 321.

## Appendix A (continued)

<u>Date</u>	<u>Prime Minister</u>	<u>Secretary of State</u>	<u>Permanent Under-Secretary</u>	<u>Chief Clerk North American Department</u>
1845		W.E. Gladstone		
1846	Russell (Whig)	Henry 3rd Earl Grey		
1847			H. Merivale	
1852 Feb.	Derby, 14th Earl of (Conservative)	Sir J. Pakington		
1852 Dec.	Aberdeen (Coalition)	Duke of Newcastle		
1854		War Office separated from Colonial Office		
1854	Aberdeen (Coalition)	Sir G. Grey of Fallodon	H. Merivale	
1855 Feb.	Palmerston (Whig)	Sydney Herbert		
1855 May		Lord J. Russell		
1855 July		Sir W. Molesworth		

APPENDIX B  
 Governors of Newfoundland, 1825-1855

Governor	Commission	Arrival	Departure
Sir Thomas John Cochrane	August 20, 1825	October 7, 1825	November 3, 1834
Henry Prescott	September 29, 1834	November 1, 1834	May 24, 1841
Sir John Harvey	July 20, 1841	September 16, 1841	August 25, 1846
Sir John Gaspard LeMarchant	February 6, 1847	April 22, 1847	July 28, 1852
Ker Baillie Hamilton	November 9, 1852	December 28, 1852	May 2, 1855
Charles Henry Darling	May 5, 1855	April 30, 1855	April 24, 1857

## APPENDIX C

COUNCILS

## I. COUNCIL, 1848-1855

Member	Religious Denomination	Date of Appointment
Robert Law, President (Commandant)	Church of England	July 19, 1848, by Royal Instructions
E.M. Archibald (Attorney General)	Church of England	July 19, 1848, by Royal Instructions
James Crowdy (Colonial Secretary)	Church of England	July 19, 1848, by Royal Instructions
James M. Spearman <sup>1</sup> (Collector of Customs)	Church of England (?)	July 19, 1848, by Royal Instructions
William Thomas	Church of England	July 19, 1848, by Royal Instructions
Patrick Morris <sup>2</sup> (Colonial Treasurer)	Roman Catholic	July 19, 1848, by Royal Instructions
William B. Row	Church of England	July 19, 1848, by Royal Instructions
James Tobin <sup>3</sup>	Roman Catholic	July 19, 1848, by Royal Instructions
Joseph Noad (Surveyor General)	Congregationalist	July 19, 1848, by Royal Instructions
Charles Fox Bennett	Church of England	January 28, 1850 (confirmed Sept. 7, 1850)

(continued on next page)

<sup>1</sup>Spearman ceased to be a member of the Council on October 10, 1849, under the provision of the Act 12 Vict., c.2, which repealed Imperial duties.

<sup>2</sup>Morris died August 22, 1849.

<sup>3</sup>Tobin resigned his seat November, 1849, because of bankruptcy.

## Appendix C, I. Council, 1848-1855 (continued)

Member	Religious Denomination	Date of Appointment
Laurence O'Brien	Roman Catholic	September 7, 1850
Thomas B. Job	Congregationalist	November 9, 1852
James J. Grieve	Presbyterian	November 9, 1852

II. EXECUTIVE COUNCIL, 1855<sup>1</sup>

Member	Religious Denomination
Philip Francis Little, Attorney General	Roman Catholic
John Kent, Colonial Secretary	Roman Catholic
Laurence O'Brien, President of the Legislative Council	Roman Catholic
Thomas Glen, Receiver General	Presbyterian
Edmund Hanrahan, Surveyor General	Roman Catholic
George Henry Emerson, Solicitor General	Church of England

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<sup>1</sup>Appointed June 14, 1855.

III. LEGISLATIVE COUNCIL, 1855<sup>1</sup>

Member	Occupation	Religious Denomination
Laurence O'Brien, President	Merchant	Roman Catholic
James Tobin	Ex-magistrate	Roman Catholic
John Rochford	Medical doctor	Roman Catholic
George Henry Emerson	Lawyer	Church of England
John Munn	Merchant	Presbyterian (E.A.C.) <del>Church of England</del>
Thomas Harrison Ridley	Merchant	Church of England
Samuel Carson	Medical doctor	Presbyterian
Thomas Row	Merchant	Church of England
James Johnstone Rogerson	Merchant	Wesleyan
James Furlong	Merchant	Roman Catholic
Philip Duggan	Merchant	Roman Catholic
James Cormack	Merchant	Roman Catholic

<sup>1</sup>Appointed June 15, 1855. Appointments confirmed September 29, 1855.

APPENDIX D

General Assemblies

I. FOURTH GENERAL ASSEMBLY, ELECTED 1848 -- JOHN KENT, SPEAKER

District	Member	Political Party	Religious Denomination
St. John's	John Kent	Liberal	Roman Catholic
	Robert John Parsons	Liberal	Church of England
	Laurence O'Brien	Liberal	Roman Catholic
	(Philip Francis Little <sup>1</sup> )	(Liberal)	(Roman Catholic)
Conception Bay	James Luke Prendergast	?	Roman Catholic
	Edmund Hanrahan	Liberal	Roman Catholic
	Nicholas Mulloy	Liberal	Roman Catholic
	Richard Rankin	Liberal	Protestant (C. of E.?)
Trinity Bay	Thomas Bulley Job	Conservative	Congregationalist
Bonavista Bay	Robert Carter	Conservative	Church of England
Fogo	George Henry Emerson	Conservative	Church of England
Ferryland	Peter Winser	Liberal	Roman Catholic
Placentia and St. Mary's	Ambrose Shea	Liberal	Roman Catholic
	John Delaney	?	Roman Catholic

(continued on next page)

<sup>1</sup>Little was returned in a by-election, November 20, 1850, which was called upon O'Brien's elevation to the Council.

## Appendix D I. Fourth General Assembly (Continued).

District	Member	Political Party	Religious Denomination
Burin	Joshua George Falle	Conservative	Protestant (C. of E.?)
Fortune Bay	Hugh William Hoyles	Conservative	Church of England

II. FIFTH GENERAL ASSEMBLY, ELECTED 1852 -- JOHN KENT, SPEAKER

District	Member	Political Party	Religious Denomination
St. John's	John Kent	Liberal	Roman Catholic
	Robert John Parsons	Liberal	Church of England
	Philip Francis Little	Liberal	Roman Catholic
Conception Bay	Edmund Hanrahan	Liberal	Roman Catholic
	John Bemister	Conservative	Wesleyan
	John Hayward	Conservative	Church of England
	William Talbot	Liberal	Roman Catholic
Trinity Bay	Stephen March	Conservative	Wesleyan
Bonavista Bay	John H. Warren	Conservative	Church of England
Fogo	George Henry Emerson <sup>1</sup>	Liberal	Church of England
Ferryland	Peter Winser	Liberal	Roman Catholic
Placentia and St. Mary's	Ambrose Shea	Liberal	Roman Catholic
	George J. Hogsett	Liberal	Roman Catholic
Burin	Clement Benning	Liberal	Roman Catholic
Fortune Bay	Hugh William Hoyles	Conservative	Church of England

<sup>1</sup>Emerson joined the Liberals after the election.

III. SIXTH GENERAL ASSEMBLY, ELECTED 1855 -- AMBROSE SHEA, SPEAKER

District	Member	Political Party	Religious Denomination
St. John's West	Philip Francis Little	Liberal	Roman Catholic
	Ambrose Shea	Liberal	Roman Catholic
	John Fox	Liberal	Roman Catholic
St. John's East	John Kent	Liberal	Roman Catholic
	Robert John Parsons	Liberal	Church of England
	Peter Winser	Liberal	Roman Catholic
Conception Bay - Southern Div.	William Talbot	Liberal	Roman Catholic
	Thomas Byrne	Liberal	Roman Catholic
Port de Grave	Robert Brown	Conservative	Church of England
Harbour Grace	James Luke Prendergast	Liberal	Roman Catholic
	John Hayward	Liberal	Church of England
Carbonear	Edmund Hanrahan	Liberal	Roman Catholic
Bay de Verds	John Bemister	Conservative	Wesleyan <sup>1</sup>
Trinity Bay	Stephen March	Conservative	Wesleyan <sup>2</sup>
	John Winter	Conservative	Church of England
	F.B.T. Carter	Conservative	Church of England

(continued on next page)

<sup>1</sup>Morning Chronicle, March 11, 1870; Public Ledger, June 21, 1870.

<sup>2</sup>Express, March 27, 1855; Courier, March 24, 1855; Courier, June 27, 1855, proceedings of Assembly, June 22, p. 3, March's speech.

III. Sixth General Assembly (Continued).

District	Member	Political Party	Religious Denomination
Bonavista Bay	Robert Carter	Conservative	Church of England
	John H. Warren	Conservative	Church of England
	Matthew Walbank	Conservative	Church of England
Fogo	William H. Ellis	Conservative	Church of England
	Thomas Knight	Conservative	Wesleyan
Ferryland	Thomas Glen	Liberal	Presbyterian
	Edward Dalton Shea	Liberal	Roman Catholic
Placentia and St. Mary's	George J. Hogsett	Liberal	Roman Catholic
	John Delaney	Liberal	Roman Catholic
	Michael Kelly	Liberal	Roman Catholic
Burin	Clement Benning	Liberal	Roman Catholic
	Patrick Morris <sup>1</sup>	Liberal	Roman Catholic
Fortune Bay	Hugh William Hoyles	Conservative	Church of England
Burgeo and LaPoile	Robert Prowse	Conservative	Church of England

<sup>1</sup>Morris apparently did not join the Liberal party until after the election.

## APPENDIX E

## LETTERS OF JOHN THOMAS MULLOCK

I. BISHOP MULLOCK'S LETTER TO P.F. LITTLE<sup>1</sup>

Harbor Grace,  
7th Feb., 1852.

My Dear Mr. Little,--

I was never so pained in my life than when reading this evening the insulting document forwarded by the Colonial Secretary, in answer to the Address for Responsible Government. Holding as I do, an office of some consideration in Newfoundland, deeply anxious for the welfare of the country to which I am bound by so many ties, I feel the ill-judged and irritating Despatch an insult to myself and to my people.

Nothing, since the days of the Tea Tax which raised the trampled provinces of the American colonies to the first rank among nations, as the great Republic, has been perpetrated, so calculated to weaken British connexion or cause the people of Newfoundland to look with longing eyes to the day when they can manage their own affairs, without the irresponsible control of some man in the back-room in Downing-street, ignorant of the country and apparently only desirous of showing British colonists that they are but slaves to a petty, mercenary, intriguing clique.

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<sup>1</sup>Newfoundlander, February 12, 1852.

Acquainted as I am with many forms of government, having lived and travelled in many lands, having paid some little attention to the history of despotic and constitutional governments, I solemnly declare that I never knew any settled government so bad, so weak, or so vile as that of our unfortunate country; irresponsible, drivelling despotism, wearing the mask of representative institutions, and depending for support alone on bigotry and bribery. I see the taxes wrung from the sweat of the people, squandered in the payment of useless officials: the country, after three centuries of British possession, in a great part, an impassable wilderness, its people depressed, its trade fettered, its mighty resources underdeveloped, and all for what? To fatten up in idleness, by the creation of useless offices exorbitantly paid, the members of a clique.

A tabular statement of the offices, the salaries, the families, and the religion, of these state pensioners will show that I overstate nothing.

I was anxious, however, hoping for a reform, to give the present government, if it can be called one, a fair trial. As a matter of conscience I can do so no longer. My silence would betray the cause of justice and of the people. I hope that all honest men will unite in demanding justice, and by an appeal, not to the Colonial office, but to the British Parliament....

Should any petition for this object be forwarded before my return, I authorise you to put my name to it, and to state publicly to the people my sentiments. I do not aspire to the character of a demagogue -- everyone in Newfoundland knows that in my position I need not do so. But it is the duty of a Bishop to aid and advise his people in all their struggles for justice, and I have no other desire than to see justice done to the country, and equally administered to all classes of her Majesty's subjects in this colony, irrespective of denominational distinctions, without seeking, or submitting to, the undue ascendancy of any class. And the people should know that government is made for them, and not they for the government. . . .

I remain, my dear Mr. Little, with the highest sentiments of respect for your talents, and thanks for your manly, honest, and powerful advocacy of the principles of justice, your obedient servant and sincere friend,

John T. Mullock.

II. AN EXTRACT FROM BISHOP MULLOCK'S  
LETTER TO THE EDITOR OF THE PILOT<sup>1</sup>

Let me not, however, be understood to condemn the interference of the Clergy at elections. I cannot see why a Priest is to be deprived of his right of citizenship, more than anyone else; he pays his portion of the public burthens; he is subject to the same laws; his interests are affected by the return of a member as well as those of another. St. Paul claimed his Roman Citizenship; a Priest by his Ordination does not forfeit the privileges of a British subject; every elector under a Representative Government has not alone a right to vote himself, but to canvass others to vote with him. Deprive any citizen of that right and he is a freeman no longer. Every man's position gives him a certain amount of influence. The landlord has it in England; the merchant in Newfoundland; the Priest everywhere. The influence of the landlord, the merchant, the employer, is exercised by pressure -- vote for me or my friend, or I will stop the supplies, I will eject you, or I will dismiss you. The Priests' is a moral influence -- vote for such a candidate, for he will make the best representative, he is no jobber, no place seeker, no bigot, he will represent our sentiments better than the other, one appeals to the pocket, the other to the people's feelings, or prejudices as some would

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<sup>1</sup>Pilot, February 28, 1852.

say. The people know that individually to the Priest, the return is of little importance; that he only influences them to do what he considers best; that his interests and theirs are identified; they believe him to be a disinterested guide; they venerate his sacred character, they respect him as a man superior in education and acquirements to themselves; all this gives him a powerful influence, which they believe has never been exercised except for their benefit.

Now, it may not be very pleasing to the individual possessing an influence of one sort, to have a counteracting influence opposed to him; but we must only accept all these things, as facts, disagreeable ones it is true, but still stubborn facts. I know this influence has not been brought to bear at the last general election. . . what may be necessary at the next election, I know not; but, while admitting the right of every man, no matter what his political or religious creed may be, to express his opinions and use any influence his position may give him, to induce others to embrace them, and to participate as far as he can in all the honors and emoluments of the government, bearing as he does his equal share of the burthens, I claim the same right for the Catholic Clergy. I know of nothing in the canon or civil law which prevents it.

I have the honor to be, Sir,  
Your most obedient servant,  
John T. Mullock.

St. John's, February 25, 1852.

## APPENDIX F

DESPATCH OF THE DUKE OF NEWCASTLE TO GOVERNOR HAMILTON  
 CONCEDING RESPONSIBLE GOVERNMENT

Downing Street,  
 21st February 1854.

Sir,

I have to acknowledge your Despatch No. 41, of the 28th June last, transmitting an Address from the House of Assembly, announcing the appointment by that Body of three of its Members to represent to Her Majesty's Government the state of the Colony of Newfoundland and operation of its present system of Government and on the establishment of reciprocal free trade with the United States of America.

2. Both during and since the visit of the gentlemen in question to England, I have given to the first of these subjects my fullest consideration; and have not failed to give due weight to the circumstance that the same expression of opinions and wishes have proceeded from successive bodies of representatives, elected by the people with full knowledge that this important question was at issue.

3. Her Majesty's Government have come to the conclusion that they ought not to withhold from Newfoundland those institutions and that system of Civil administration

which under the popular name of Responsible Government have now been adopted in all Her Majesty's neighbouring Possessions in North America.

4. They are prepared to concede the immediate application of this system, as soon as certain necessary preliminary conditions have been acceded to on the part of the Legislature.

5. The first of these is the same which has been agreed to and put in practice when the recent change of the same description took place in Nova Scotia and in Prince Edward Island: namely the indemnification of present holders of those Offices which by the change in question will be rendered liable to be vacated at the will of the majority of the Legislature. The provision in question should be made either in the form of Pension or of a round sum by way of indemnity. But as to the number of Officers who must be regarded as thus liable to removal and entitled to protection, and the amount and character of the compensation so to be given, I must rely on your judgment with the advice of your Council and of those whom you may think fit to consult with on this occasion: and you are authorized to submit any question which cannot be thus arranged to myself for final decision.

6. The following are the remaining conditions which I consider indispensable, and which have been suggested to me by the consideration of circumstances peculiar to Newfoundland.

7. (1) A considerable increase of the members of the House of Assembly. I would suggest that the increase should be from the present number to 30, and that it should be effected, not by giving additional members to existing Constituencies, but by subdividing, as equally as geographical positions would admit, the districts now returning Members: which appear to be in most instances too large for the convenient exercise of the franchise.

8. (2) In reference to my Despatch on the financial condition of the Colony, lately directed to be laid before the Assembly, it appears to me necessary that the Law should be assimilated to that of Nova Scotia (revised Statutes, Cap. 7. Sec: 44) with regard to the expences of Elections, which should no longer be paid from the Colonial Treasury, but be defrayed (under proper conditions as to amount) by the Members.

9. (3) Payment of the Members for their expenses and attendance to be no longer made by the Colonial Treasury but by local assessment levied in each electoral district.

10. These measures having been taken by the Legislature, Her Majesty's Government will proceed to separate the Executive from the Legislative Council, and to provide, by Instructions from Her Majesty, that the latter should consist of not less than 10 nor more than 15 members nominated by the Crown.

11. With regard to the stipulations respecting the grant of a Civil List to Her Majesty, which have usually accompanied the grant of Responsible Government, it appears to me sufficient to refer you to the arrangements already made under the Act of Parliament 2 and 3 Will<sup>m</sup> 4th: Cap: 78, and the Acts of the Newfoundland Legislature 7th Vict: Cap 1, and 8 Vict: Cap: 6, leaving it to yourself to consider whether any modification of these provisions is now required.

12. These are conditions, some of which I am persuaded, are essential to justice, and others highly important to the satisfactory working of the new system; and I trust that with these additions, the adoption of the system in question will not merely satisfy the long expressed desire of the majority of the people of Newfoundland for freer institutions, but will also prove favorable to practical improvements in the Government of the Colony.

13. As regards the portion of the Address which relates to Free Trade with the United States, you will inform the Assembly that Her Majesty's Government are still in negotiation with that of the United States, and that in the conduct of that negotiation every attention will be paid to their expressed wishes and those of their constituents.

Newcastle

APPENDIX G

Table I. Members returned in the General Election of November, 1852

District	Number of Members	Roman Catholic	Protestant	Liberal	Conservative
Conception Bay	4	2	2	2	2
Trinity Bay	1		1		1
Bonavista	1		1		1
Fogo	1		1		1 <sup>1</sup>
Burin	1	1		1	
Fortune Bay	1		1		1
St. John's	3	2	1 <sup>2</sup>	3	
Ferryland	1	1		1	
Placentia and St. Mary's	2	2		2	
Totals	15	8	7	9	6

<sup>1</sup>G.H. Emerson joined the Liberals after the election.

<sup>2</sup>R.J. Parsons.

Table II. 1832 Distribution<sup>1</sup>

District	Boundaries	Number of Members
St. John	Petty Harbour and Broad Cove	3
Conception Bay	Broad Cove and Bay Verds Head	4
Fogo	Cape St. John and Fogo Island	1
Bonavista	Cape Freels and Cape Bonavista	1
Trinity Bay	Cape Bonavista and Bay Verds Head	1
Ferryland	Petty Harbour and Cape Race	1
Placentia and St. Mary's	Cape Race and Rushoon	2
Burin	Rushoon and Garnish	1
Fortune Bay	Garnish and Bonne Bay <sup>2</sup>	1
Total	9	15

<sup>1</sup>Based on Royal Proclamation, July 26, 1832 printed in Journal of the House of Assembly, 1833, p. 1.

<sup>2</sup>Bonne Bay on the South Coast, Longitude 56° 25'.

Table III. Population of Newfoundland According to the Census of 1827-1828<sup>1</sup>

District	Population		Total
	Protestants	Roman Catholics	
St. John's	4,951	10,214	15,165
Conception Bay	10,629	7,230	17,859
Trinity Bay	4,250	903	5,153
Bonavista Bay	3,721	950	4,671
Twillingate and Fogo	2,878	669	3,547
Bay Bulls	33	1,107	1,140
Ferryland	181	1,795	1,976
Trepassey and St. Mary's	(Not specified in the returns)		847
Placentia	{ from these Districts <sup>2</sup>		2,802
Burin	968	1,152	2,120
Fortune Bay	2,601	207	2,808
(Add for stragglers in detached and distant places, which those taking the census could not visit.)			2,000
Total			60,088

Secretary's Office, 25 January, 1833

<sup>1</sup>Journal of the House of Assembly, 1833, Appendix, p. 64. Copied directly.

<sup>2</sup>The population of Ferryland and Trepassey-St. Mary's was overwhelmingly Roman Catholic.

Table IV. Distribution of Members (1832) According to the  
Census of 1827-8<sup>1</sup>

	Electoral District	
	Protestant Majority	Roman Catholic Majority
Fogo	(1)	St. John's (3)
Bonavista	(1)	Ferryland (1)
Trinity Bay	(1)	Placentia and St. Mary's (2)
Conception Bay	(4)	Burin (1)
Fortune Bay	(1)	
<b>Total</b>		
	5 Districts Returning 8 Members	4 Districts Returning 7 Members

<sup>1</sup>Compiled from Statistics in Appendix G, Tables  
II and III.

Table V. Distribution of Members According to the Census of 1845<sup>1</sup>

District (1832)	Protestants	Roman Catholics	
Conception Bay	16,446	11,580	
Trinity Bay	7,518	1,283	
Bonavista Bay	5,418	1,809	Which return
Fogo	5,616	1,128	9 members to
Burin	2,407	1,951	the Assembly
Fortune Bay <sup>2</sup>	2,557	363	
St. John's	6,211	18,985	
Ferryland	169	4,412	Which return
Placentia and St. Mary's	1,018	5,455	6 members to the Assembly

<sup>1</sup>Journal of the House of Assembly, 1854, second session of the Fifth General Assembly, p. 44. This table was used by the Liberals in 1854 to show that under the existing division, Protestants were fairly represented.

<sup>2</sup>The numbers for Fortune Bay were not given separately in the Assembly's table. Figures for this district are taken from the Journal of Her Majesty's Council, 1854, p. 67.

Table VI. First plan of redistribution to be proposed by the General Assembly (1854)<sup>1</sup>

Distribution of Members, according to the Census of 1845	Population	Protestant	Catholic	Members		Proportion for each Member
				P	C	
St. John's district is divided into two districts, by a line running North from Beck's Cove to Broad Cove	25,196	6,210	18,986	6		4,199
Dist of Trinity	8,801	7,518	1,286	3		2,933
Bonavista	7,227	5,418	1,809	2		3,613
Fortune Bay	2,920	2,557	363	1		2,920
LaPoile	2,180	2,151	29	1		2,180
Ferryland	4,581	182	4,399	2		2,290
Burin	4,350	2,407	1,951	2		2,179
Placentia and St. Mary's	6,473	1,018	5,455	3		2,157

(continued on next page)

<sup>1</sup>Journal of the House of Assembly, 1854, second session of the fifth General Assembly, p. 192. Copied directly.

Table VI. First plan of redistribution to be proposed by the General Assembly (1854) (continued)

Distribution of Members, according to the Census of 1845	Population	Protestant	Catholic	Members		Proportion for each Member
				P	C	
Conception Bay is divided into 5 districts, to return 7 Members, for a population of 28,026 averaging 1 for every 4,000, viz. --						
Horse Cove to Cupids, incl.	6,722	2,614	4,108	2		3,361
Port de Grave to Bay Roberts, incl.	4,612	3,806	806	1		4,612
Spaniard's Bay to Harbor Grace, incl.	6,182	3,698	2,484	2		3,091
Carbonear to Musquito, incl.	5,071	2,340	2,731		1	5,071
Fresh Water to Bay de Verds, incl.	5,439	3,988	1,451	1		5,439
Twillingate and Fogo, incl.	6,744	5,616	1,128	2		3,372
	96,506	49,523	46,983	15	14	

Table VII. First plan of redistribution to be proposed by  
the Council (1854)<sup>1</sup>

Probable returns under the Bill [as amended by the Council]

	Population	Protestants	Catholics	Prot.	Cath.
District of:					
St. John's	25,196	6,210	18,986		6
Trinity	8,801	7,518	1,286	3	
Bonavista	7,227	5,418	1,809	3	
Twillingate & Fogo	6,744	5,616	1,128	2	
Ferryland	4,581	182	4,399		2
Placentia & St. Mary's	6,473	1,018	5,455		2
Burin	4,358	2,407	1,951	1	1
Fortune Bay	2,920	2,557	363	1	
LaPoile	2,180	2,151	29	1	

(Continued on next page)

<sup>1</sup>Journal of Her Majesty's Council, 1854, second session of the fifth General Assembly, p. 45. Copied directly.

Table VII. First plan of redistribution to be proposed by the Council (1854)  
 (continued)

	Population	Protestants	Catholics	Prot.	Cath.
Conception Bay					
1st Subdivision -- Horse Cove to Turk's Gut, inclusive	3,997	769	3,230		1
2nd ditto -- Brigus to Port-de-Grave, both inclusive	5,538	4,150	1,388	1	
3rd ditto -- Bay Roberts to Harbour Grace, both inclusive	7,981	5,198	2,783	2	
4th ditto -- Carbonear and Musquito	5,071	2,340	2,731		2
5th ditto -- Fresh Water to Bay-de-Verd, inclusive	5,439	3,988	1,451	1	
				15	14

Table VIII. Revised Assembly Plan, 1854<sup>1</sup>

This plan became embodied in the Representation Act, 1854

Distribution of Members, according to the Census of 1845	Population	Protestant	Catholic	Members		Proportion for each Member
				P	C	
St. John's district is divided into Two districts, by a line running North from Beck's Cove to Broad Cove	25,196	6,210	18,986	6		4,199
Dist. of Trinity	8,801	7,518	1,286	3		2,933
Dist. of Bonavista	7,227	5,418	1,809	2		3,613
Dist. of Fortune Bay	2,920	2,557	363	1		2,920
Dist. of LaPoile	2,180	2,151	29	1		2,180
Dist. of Ferryland	4,581	182	4,399	2		2,290
Dist. of Burin	4,358	2,407	1,951	2		2,179
Placentia and St. Mary's	6,473	1,018	5,455	3		2,157

(continued on next page)

<sup>1</sup>Journal of the Assembly, 1854, second session of the fifth General Assembly, p. 193.

Table VIII. Revised Assembly Plan, 1854 (continued)

Distribution of Members, according to the Census of 1845	Population	Protestant	Catholic	Members		Proportion for each Member
				P	C	
Conception Bay is divided into 5 districts, to return 7 Members, for a population of 28,026, averaging 1 for every 4,000, viz. --						
Horse Cove to Turk's Gut, inclusive	3,997	769	3,230	2		1,998
Turk's Gut, exclusive, to Port de Grave, inclusive	5,538	4,158	1,388	1		5,538
Port de Grave, exclusive, to Hr. Grace, inclusive	7,981	5,198	2,783	2		3,990
Carbonear to Musquito, inclusive	5,071	2,340	2,731		1	5,071
Fresh Water to Bay de Verds, inclusive	5,439	3,988	1,451	1		5,439
Twillingate and Fogo	6,744	5,616	1,128	2		3,372
	96,506	49,523	46,983	16	14	

## APPENDIX H

## Darling's Correspondence with P.F. Little

I. DARLING'S LETTER TO P.F. LITTLE,  
ENTRUSTING TO HIM THE DUTY OF  
FORMING AN ADMINISTRATION<sup>1</sup>

The Administrator of the Government believing from the Resolution passed by the House of Assembly, last Evening that he cannot entrust the duty of forming a Responsible Colonial Administration to better hands than those of Mr. Little, will be glad to receive from him any proposition Mr. Little may be disposed to submit with that object.

It is in the administrator's power to place three seats in the existing Council (now reduced to its minimum of 7) at the disposal of Mr. Little and his colleagues and the Administrator believes that these appointments will sufficiently harmonize the Council with the Assembly to ensure to the Administration sufficient support to bring the new Form of Government into beneficial operation --

It being impossible as the Administrator conceives until the Royal Instructions for that purpose are received; formally and legally to constitute an Executive Council separate from the Legislative Council. The Administrator

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<sup>1</sup>C.O. 194/144, pp. 175-176, enclosure in Darling to Russell, May 30, 1855, copy.

deems it right to give to Mr. Little his assurance that in the meantime he will, as to the measures and policy of the Government advise only with Members of the new administration whether holding Executive offices or not and those Members of the present Council who are intended to be hereafter Members of the Executive Council.

With respect to the ultimate formation of the Legislative Council, The Administrator would suggest for Mr. Little's consideration 1st that in the first instance the Council should not consist of more than 12 or 13.

2. That a clear majority (of at least 2) in the first instance should be undoubted supporters of the Administration.

3. That in addition to such Members now of the Council as may be considered opposed to Mr. Little's Administration, the minority as referred to in the preceding Paragraph, should be composed of respectable Inhabitants of consideration whose principles will be in general accordance with those of the present minority in the Assembly.

Government House 23rd May 1855

II. MEMORANDUM, MAY 24, 1855, SHOWING  
A MODERATION OF DARLING'S VIEWS

I saw Mr. Little on the morning of the 24th who stated that having consulted his political friends he was prepared to form an Administration upon the basis of the foregoing communication except that with regard to the 3rd point, if it were meant that the Members who agree politically with the present minority of the Assembly should necessarily remain in the Council -- it was felt that from the peculiarity and virulence of the Line of opposition to the introduction of Responsible Government which some of them had adopted, basing it upon Sectarian principles, and the preponderance on either side of Members of the Protestant or Catholic faith, the cause of good government would be best secured by not continuing them in Council.

Mr. Little fully admitting at the same time, that the minority should be composed of men of acknowledged politics opposed to his Administration.

I reminded Mr. Little that very possibly the Gentlemen referred to might be continued under H M's Instructions accompanying my Commission which would remove all doubt upon the subject but that if that were not the case, although I thought the past conduct of the Members referred to was

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LC.O. 194/134, pp. 177-178, enclosure in Darling to Russell, May 30, 1855.

immaterial; I would contend only for principles and not for persons and not object to the appointment of new Members of respectability whose general policy should be in accordance with that of the minority in the Assembly.

C.H.D.



Fig. 1. 1832 electoral districts.



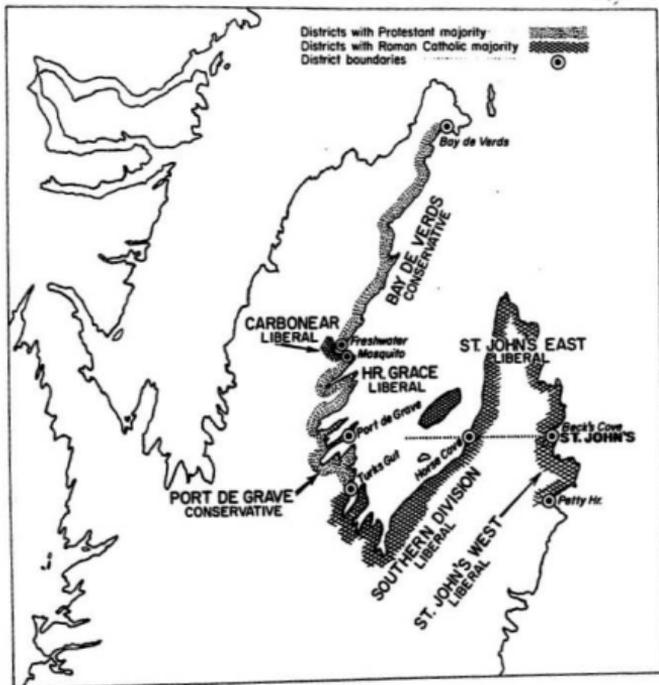


Fig. 3. 1854 subdivision of St. John's and Conception Bay, showing the result of the 1855 general election.

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No indexes exist for the period before 1855.
- b. Series G17, General Index Books of Despatches received from the Colonial Office.  
Volume 1, 1855-1857.  
Chronological indexes to the despatches received by the Governor of Newfoundland from the Secretary of State for the Colonies.

## B. Public Records Office, London

## 1. Colonial Office Records.

- a. C.O. Series 359, Registers of Incoming Correspondence from Newfoundland.  
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IND/13206, 1855-1857  
A register, on microfilm at the Newfoundland Archives, of the Newfoundland correspondence received at the Colonial Office. The register includes lists of despatches from the Governors of Newfoundland, the Admiralty, the Foreign Office, etc. It is a valuable guide to the C.O. series 194.
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An alphabetical index, on microfilm at the Newfoundland Archives, to the Newfoundland correspondence received at the Colonial Office.
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  - g. Series G18, Miscellaneous Letter Books.  
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Volume 6, 1855-1876, Addresses and replies.  
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Volume 10, 1830-1860, Correspondence relating to the fisheries.
- d. Blue Books.  
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- i. Despatches and enclosures from the Governor of Newfoundland to the Secretary of State for War and the Colonies.
- 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.

C. Public Archives of Canada, Ottawa

Howe Papers.

M.G. 24, B.29.

These manuscripts include the 1845-1846 correspondence between Joseph Howe and John Kent.

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#### IV. Newspapers

It would be practically impossible to write the history of this period without the aid of the newspapers. Not only do they give the news and express opinions, but it is only in them that the speeches made in the Legislature, as well as outside the Legislature, are recorded. While I have listed all newspapers consulted, I have commented only on those of major importance to the preparation of this thesis. All except the Herald (Harbour Grace) were published in St. John's.

##### Evening Mercury

##### Herald

##### Morning Courier

Grew increasingly Liberal and pro-responsible government after 1846, when Joseph Woods became the sole proprietor and editor.

##### Morning Post

##### Newfoundlander

Owned by the Shea family, it expressed Liberal and pro-responsible government views especially after 1850.

##### Newfoundland Express

Neutral till near the end of the struggle for responsible government; then expressed the Conservative views of the editor, James Seaton.

##### Newfoundland Patriot

Expressed Liberal views from the time it was established in 1834, apparently by John Nugent and R.J. Parsons.

Parsons, always its outspoken editor, became sole proprietor in 1840. The first Newfoundland paper to advocate responsible government.

Pilot

Usually referred to as Bishop Mullock's paper, published in 1852 by Jabez Whittaker Manley. Strongly favoured the introduction of responsible government, it expressed outspoken views against the Establishment.

Public Ledger

Expressed the arch-Conservative and anti-responsible government views of its uncompromising proprietor and editor, Henry David Winton.

Royal Gazette

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