

NEWFOUNDLAND, 1815-1840:  
A STUDY OF A MERCHANTOCRACY

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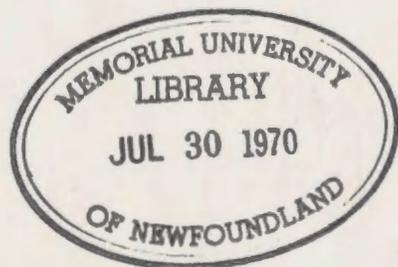
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Submitted in partial fulfillment of the requirements for  
a Master's Degree, Memorial University of Newfoundland.

## Abstract

The period of the Napoleonic Wars marked the virtual extinction of the transient fishery between England and Newfoundland. The British government finally agreed to grant Newfoundland the basic institutions of other colonies. During this period, there was a power struggle between the various groups to control the institutions just being firmly established.

The merchant class, still transient in nature, and not interested in the colony's welfare, was divided among itself. The West Country merchants, centred in the outports, tried to prevent the rising dominance of the newer Scottish houses centred in St. John's. The grant of a local legislature insured the victory of the St. John's merchants.

The Irish Catholic church, inspired by the success of emancipation in Ireland, demanded its fair share of political and religious power. In this struggle, economics reinforced religious differences, as the majority of the Catholics were fishermen while the merchants were mainly Anglican. The wealthy Catholic merchants were forced to choose between the demands of class and of religion. The Anglican church strongly supported the views and outlook of the merchant class, and so religious and political strife reinforced one another. The result was a political stalemate in the legislature and religious riots in the

country until the Catholics were accommodated within the political system.

The system of justice was not able to become independent of the merchant class as there was no body of educated men in the colony independent of merchant control. The primary credit relation in the fishery, the right of the servant to follow the fish and oil, and the law of current supply, were given a fixed legal definition by Francis Forbes and economic fluidity was sacrificed for security.

The attempt of the Liberal members of the assembly to establish a public system of education failed as the merchants supported the churches' desire to provide paternalistic, socially sound education, reinforced by religious authority. There was no attempt by the people to develop their own common schools as they did in the other colonies so denominational education was established.

The merchant class made various attempts to solve the basic economic problem in Newfoundland - the over-dependence of the people on an industry subject to great fluctuation of markets and prices. However, they were unwilling to consider any solution which challenged their own dominance, so the people were placated by relief payments.

By the 1840's, the merchants controlled every institution in Newfoundland society. "Merchantocracy" rather than "democracy" prevailed.

## Preface

Although the political history of Newfoundland has been the subject of several studies, there has never been a close examination made of the type of social institutions which evolved to meet the needs of this particular society. When Sir Richard Bonnycastle, a member of the Royal Engineers who happened to be a careful observer of colonial society, visited Newfoundland in 1842, he observed that the people had anticipated that representative institutions would lead to democracy, but that the merchantocracy had refused to yield any of its privileges. This word, "merchantocracy" which he coined in order to describe the type of society which he found has been taken as the title for this thesis as it seems to define the essential nature of that society - one that was dominated in every respect by a ruling mercantile elite.

I would like to gratefully acknowledge the assistance of Dr. G. Rothney, who started me on the way, and of Dr. L. Harris for his many suggestions for improvement. Miss O'Dea of the Memorial University Library staff was always willing to assist. A special thank you is due to the typist, Miss Judy Quinn, who carried on in spite of a sprained finger. Above all, I would like to acknowledge the help of my husband who gave much encouragement and many hours of assistance.

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## CHAPTER ONE

### General Economic and Social Background

The pioneer period was a transitional stage in North American development. Although modern society can trace many of its attitudes back to the earlier pioneer ones, the problems which the pioneers faced - physical hardship, isolation, cultural and educational deprivations and so on - no longer exist for modern urban, industrial society. However, when we turn to Newfoundland society, the startling fact that emerges in comparing the nineteenth and twentieth centuries is the continuance of the same basic problems. Here was a society that remained relatively unchanged in essentials from the first quarter of the nineteenth century until it collapsed politically during the rigors of world wide depression in the 1930's. The question which faces the historian is how to account for this relatively static condition over such a long period. What was the structure of Newfoundland society that made it unable to overcome its original limiting conditions?

The first of these limitations was economic. The island's economy was based almost exclusively on the cod fishery and this industry provided employment only in the summer months. Since families tried to exist the whole year on the earnings of the summer in an industry subject to fluctuating world markets and the

"luck of the catch", an unstable credit system emerged to shore up the frequent bad years. The economic collapse in the 1930's revealed the underlying economic weakness of Newfoundland society:

These events alone were enough to re-emphasize that no Government, whatever its composition, could hope to find an immediate panacea to Newfoundland's basic unease: overdependence on an out-of-date, uneconomic industry, resulting in inability to stand alone and uncushioned against the vagaries of world trading booms and slumps. <sup>1</sup>

Isolation was still a central feature of the island's social structure in the 1930's, with a majority of the people living in settlements well under 500. It is now government policy to assist the movement from smaller to larger settlements. Basic transportation services are just now becoming effective. The first trans-island paved highway was officially opened in 1966. Education is making great strides, but is still at minimal levels in many communities.<sup>2</sup> Welfare payments are the highest proportionally in all Canada, yet they are not related so much to periodic unemployment as they are a permanent concomitant of the fisheries.<sup>3</sup>

1. St. John Chadwick, Newfoundland: Island into Province. Cambridge at the University Press, 1967, p. 176.
2. Parzival Copes, St. John's and Newfoundland: An Economic Survey, published by the St. John's Chamber of Commerce, 1961, p. 231, table 20.3.
3. Ibid., p. 229-30, tables 19.4 and 19.5.

The results of the extremely bitter struggles between English and Irish which affected every British North American colony to some degree are still a noticeable feature of the Newfoundland scene. As late as 1928, the government published a pamphlet "The Civil Service of Newfoundland from a Denominational Standpoint", in which the salary and religion of every civil servant was listed as well as "what SALARIES and POSITIONS each denomination is entitled to have on a per capita basis."<sup>1</sup>

Although there is no such frank written document on the policy of the present provincial government in civil service appointments, it is to be noted that appointments of Lieutenant-Governors and the Cabinet seem to follow a denominational bias. Until a fourth Judge was appointed to the Newfoundland Supreme Court in the 1960's, they also represented the three major denominations. In political representation the Premier has made it quite clear that the constituencies are supposed to represent the various denominations in a one-third, one-third, one-third ratio,<sup>2</sup> even though the Prime Ministers of the 1920's had rejected this concept.<sup>3</sup> In education, the denominational division is guaranteed by law, in the Act of Union with Canada.

1. Uncatalogued material in the Newfoundland Archives.
2. Gordon O. Rothney, "Denominational Basis of Representation in the Newfoundland Assembly, 1919-1962", Canadian Journal of Economics Vol. 28, Nov. 1962, p. 566.
3. Ibid., p. 569.

The island's commercial and social life continues to be dominated by a small group of influential families centred in St. John's. Although outside capital has invaded the Newfoundland market, nevertheless many large St. John's firms continue to be operated as family concerns rather than by professional managerial personnel. Different members of these families have held high offices in government, the judiciary, and the church throughout the years.

In spite of the social inequalities and economic problems that have existed down to the present day, Newfoundland has never developed a radical protest party, with the possible exception of the Fisherman's Protective Union which did not achieve its objectives. Labour has not been able to organize itself effectively to challenge the two older parties, and even under the stress of world wide depression in the 1930's a right-wing conservative government led by members of the merchantocracy was elected.

The churches have not been forces of change, but have been content to accept the structure of society as they found it. This was noted in the findings of the Amulree Commission in 1933:

It might have been expected that the influence of the churches, so strong in Newfoundland, would have acted as a check to political malpractices. It is clear from our investigations that this is not the case, and we have reluctantly come to the conclusion that the denominational division, of which the people are daily reminded, so far from exercising a beneficent influence in the direction of cleaner politics, have failed to check, if indeed they have not contributed to, the general demoralisation. For members of successive Administrations have been led, consciously or subconsciously, to place the interests of particular sections of the Church before the good of the country as a whole; and the desire to serve those interests, and to promote the welfare of individual members of the same denomination has conduced to a disregard of the proprieties which would never have reached such proportions had Newfoundland been united in one religious community, or if sectarianism had not assumed such political influence.<sup>1</sup>

The inherent weaknesses in a society so constructed eventually made it impossible to continue as a separate entity. St. John Chadwick described it as it appeared before its final political collapse in 1933:

Certainly both Governments and merchants had proved selfish and short-sighted. Not even in the halcyon days had any real effort been made to eliminate the vicious Truck system, which still held the fisherman in thrall to his supplier. Scant energy had gone into applying scientific and rational methods to the conduct of the fishery. In the headlong pursuit of an industrial chimera, Newfoundland's basic industry had been neglected. The politicians concentrated on vote-catching at the expense of a gullible and still largely undereducated population: a gulf and a sense of enmity divided rich from poor. Greed, graft and corruption stalked the land. By the time the storm

1. Ibid., p. 88.

broke, not only the financial structure, but the moral fibre of the country had been sapped.<sup>1</sup>

This thesis proposes to examine the social structure of the island from the period of the Napoleonic Wars to the 1840's. This was the period when the transition from complete British rule to the beginnings of self-government was made, and when the first attempts were made to deal with an unfortunate legacy of imperial neglect. During this period the basic social structures - political, judicial, religious and educational - were being stabilized.

Since the fishery completely dominated the economy of the fledgling colony, this will be a study of the inter-relation of a "one-crop" economy with the other areas of life. Innis has studied the economic aspects of the fisheries<sup>2</sup>, but he has not related economic institutions to the other elements of Newfoundland society. Although it may be felt that this is a wide area to cover, it is the contention of this thesis that the other areas of life were so coloured by the economic necessities of the fisheries that they must be viewed in conjunction with it. Only in this way can we understand the powerful cohesion of a social system which lasted unchanged in essentials from then until the present day.

1. St. John Chadwick, Newfoundland: Island into Province, op. cit., p. 155.
2. H. A. Innis, The Cod Fisheries, New Haven, 1940.

It can readily be proved that the character of Newfoundland settlement was different from that of the other North American colonies. Newfoundland became a colony in spite of efforts to prevent its growth. The island's interests were sacrificed to Imperial interests even more blatantly than those of most other colonies. Until late in the eighteenth century, the basic social institutions were limited to the minimal necessities for carrying on the fisheries except where the colonists themselves developed their own rudimentary forms. These facts have been dealt with very fully by A. H. McLintock The Establishment of Constitutional Government in Newfoundland.<sup>1</sup>

The policy of the British government since the seventeenth century had been to discourage any settlement of the island in order to build up a supply of trained seamen who would gain their experience by making the ocean crossing twice each year. It was hoped to gain first-rate men for the British navy in this way.<sup>2</sup> This assumption that Newfoundland was a good "nursery for seamen" was strongly supported by the vested interests of the West Country merchants as it was this area which was the home base for the British fishing fleet.<sup>3</sup>

1. A. H. McLintock, The Establishment of Constitutional Government in Newfoundland, Longmans, Green and Co., London, 1941.

2. McLintock, op. cit., p. 37.

3. Ibid., p. 85.

Newfoundland, then, was treated differently from any other colony. The island was to be considered only a fishing base for the transient fishery, not a place for permanent settlement. This meant that authority rather than aiding the settlers was set against them. Government was hostile; law courts were bound to give judgment against them; social institutions such as church and school were denied them. Their economic interests were exploited without means of redress.<sup>1</sup> The governors and courts came and went with the fishing fleets.

What were the results of such a policy? In the first place, the many European wars, during which the British government's attention was distracted, provided opportunities for the island population to grow and in some measure to prosper. Even though the official policy was applied with some rigour in the intervals, the lost ground could not be recouped. By the 1790's, the bankruptcy of the policy was obvious to all but those who had reasons not to see. In 1803, Governor Gambier commented in a despatch home:

In contemplating the low condition of society in a country which is in itself the source of so much wealth, and of such importance to the nation, I am led to apprehend the present system of policy observed toward the island is defective, being insufficient for affecting the happiness and good order of the community, which is the chief end of all government. This I attribute to the want of power for framing laws

1. Ibid., p. 76.

for its internal regulation, and for raising the funds necessary for promoting any measures of public utility in which expense must be incurred.<sup>1</sup>

The most revealing commentary on Governor Gambier's remarks was that given by Lord Liverpool. He wrote that "they are written upon the same topics and contain nearly the same opinions that have been brought forward by every former Governor of this Island; at least since I have known anything of the business."<sup>2</sup> Liverpool knew the situation, and yet every governor continued to be given the same archaic instructions right up until the time of Hamilton in the 1820's.

Liverpool repeated the old truism that the island was not a colony, but a training ground for the British navy. However, his own words show that he knew this was not the case, and in actual fact, British policy makers could not even have the excuse of ignorance:

The truth, however, is that Newfoundland has for a long while been gradually increasing in population, and in that respect is become a sort of colony and in the end it will become so entirely. It is proper however to counteract this tendency as long as possible; at the same time concessions must occasionally be made so as to prevent Tumult of Disorder among the people of this Island, who are in general of a very low and a very bad Description.<sup>3</sup>

1. Colonial Office Records, 194/43 Gambier/Liverpool, May 31, 1803, p. 175.
2. Ibid., 194/44 Liverpool/Gower, p. 231.
3. Ibid., p. 231.

This attitude on the part of Liverpool seems accurately to reflect British thinking of the time. It can partially be explained by the outbreak of war with revolutionary France. The climate of British opinion had become so stridently anti-reform in the face of this threat that obvious social abuses were left untouched for more than three decades. McLintock points out that there were only two measures affecting the colonies brought before the House of Commons from 1783 to 1820.<sup>1</sup>

Only by keeping this political background of neglect and suppression in mind is the particular economic system which evolved in Newfoundland understandable. The fishing industry provided the staple product and chief resource of the island. By its very nature, the fishery had to deal with world markets to sell its products since there was not a large enough home market to support it either in the colony or England. It was necessary to compete with other nations and face the uncertainties of wars, treaties, economic depression and inflation, and most of all, the uncertainty of the catch itself.

Since the world markets were not dependable or even controllable, the merchants attempted to provide a certain cushion of security for themselves by eliminating

1. McLintock, op. cit., p. 79.

the competitive element in the primary stages of the transaction between fisherman and buyer. Those investing capital demanded a good return on their investment and this was one way to ensure it.<sup>1</sup>

The policy of the British government was of great service to the merchants in establishing their monopolies. Since it had been illegal to settle on the island, the merchants used the restrictions placed upon the native-born fishermen to secure their own complete dominance. In the early years, those who stayed the winter often had their fishing rooms taken away and their equipment destroyed by the fishing fleet in the spring, and so were not allowed to build their own capital investment of flakes and boats without great hindrances.<sup>2</sup>

The English capitalists found a cheap source of labour in Ireland. Servants were hired on for the summer and then were often abandoned at the end of the season in order to make room for more fish and to save the expense of transporting them back. Thus, the English merchants themselves were the cause of much of the settlement which they so protested.<sup>3</sup>

Moreover, since there was no government except that which came with the fishing fleet, the merchants

1. Ibid., p. 109.
2. Ibid., p. 5.
3. Ibid., p. 87.

who made such vast profits out of the fishery were not compelled to contribute one penny towards the development of the island community or to help the servants whom they had abandoned. A letter written in 1819 on the state of the colony illustrates the problem:

It is impossible for Magistrates to allow people to starve or die in the streets without food or medical aid, when called upon for relief and as no rate of any kind has ever been made upon the inhabitants, there appears a doubt how far it can be legally enforced in this Country, and from the numerous persons having rents and property here, but residing chiefly in Great Britain, any such measure would be sure to meet with opposition from them.<sup>1</sup>

The same "absentee landlord" problem that existed in Ireland was transported in a slightly different form to plague the Irish settlers in this new country. Newfoundland was regarded as a place to exploit not to settle in permanently or develop socially.<sup>2</sup>

Since there was a shortage of capital to develop the natural resources and since so many of the population were almost destitute to begin with, and had only their labour to offer, a credit system developed as it did in many other of the colonies with one chief staple.<sup>3</sup>

1. Despatches to the Secretary of State 1818-21, No. 41, November 19, 1819.
2. McLintock, op. cit., p. 130.
3. Newfoundland: Economic, Diplomatic and Strategic Studies, ed. R. A. MacKay, Oxford University Press, Toronto, 1946, p. 115.

However, what in the others was a passing phase, in Newfoundland took hold and the "truck system" became a dominant economic feature, lasting into the twentieth century.

According to McLintock, who characterizes it as:

"a flimsy commercial structure created during the war years on the uncertain foundations of high prices and unstable credit"<sup>1</sup>

it was really consolidated during the Napoleonic period although it had been known before that.

In 1804, Governor Gower sent back a full description of the system as it then functioned in one of his reports.<sup>2</sup> It took most of a year from the time the fishermen were provided with supplies in the spring until the fish products were sold on the world markets and the money received back. If the fishermen had had sufficient capital to support themselves through this period, there would have been no problem, but they lived at a subsistence level, and so were forced to use credit.

The out-port merchants were willing to advance this credit, but in many cases they themselves received credit from the wholesale merchants in St. John's. With such an extensive risk involved based almost entirely on private rather than bank capital, the interest rate was, naturally, extremely high. The merchants tried

1. McLintock, p. 124.

2. C.O. 194/44, 1804, Gower to Liverpool, p. 56 ff.

to protect their investments by waiting until the season's end when the price in the world markets had been established before they set the price for the supplies they had advanced or the fish they had received.<sup>1</sup>

Since they controlled both the price of supplies and of fish, it was relatively simple for them to establish monopolies as competition between them would lower profits to the point where the risk would become too great. Although Gower was extremely hostile to the merchant class, he supports this view of the monopolies:

Since it (competition) was in their mutual interest to avoid, they are become proportionately opulent, and are careful to prevent the establishment of any stranger among them, whose competition would reduce their profits. By these means they monopolize the labour of their inhabitants, whom it is in their interest to keep in dependence.<sup>2</sup>

Even during the prosperous war years, prices were famine high for provisions as the Americans, who were the logical competitors, were kept out of British possessions. There was usually little chance for a fisherman, no matter how hard he worked, to get out of debt since he was unable to buy or sell elsewhere.

1. McLintock, op. cit., p. 122-23.

2. C.O. 194/44, Gower to Liverpool, 1804, p. 59.

The result was a complete economic dependence on the merchant which gave the merchant class a power which they exercised over every area of life.<sup>1</sup>

The social classes in Newfoundland were directly related to the economic groups with the merchants occupying the position of greatest authority and importance. Within this one economic class there were various sub-groups to be seen. Since much of the capital invested in the fishery was supplied from England, the St. John's representatives of the larger English firms wielded great power. They handled both wholesale and retail outlets as well as import and export trade. The suppliers in the out-ports were often the servants of, or responsible to the larger merchants.<sup>2</sup>

Sir Thomas Cochrane, Governor of Newfoundland from 1825 to 1834, in a despatch to Lord Goderich tried to outline the peculiar structure of this ruling class.<sup>3</sup> St. John's had a few merchants who were principals or partners of houses in England and Scotland, but most of them were agents of other houses. As well, there was a group of smaller shop-keepers, "some of whom are natives, others transitory and others who intend to make the island their home - and a few, but few, merchants

1. McLintock, op. cit., p. 100.

2. Ibid., p. 121.

3. C.O. 194/81, Cochrane to Goderich, April 14, 1831.

who have the same intentions". Cochrane was unable to give the proportions of these groups as it fluctuated according to the circumstances of the trade. The interest of this first class according to the governor "is confined to their stores...and their goods; their only inducement to remain being confined to trade."

An even more difficult situation existed in the out-ports where agents of the principal houses were stationed only in the largest and most central of them. In Harbour Grace, the largest centre outside of St. John's, there were ten or twelve agents. In the other large out-ports such as Carbonear, Trinity, Bonavista, there were never more than four, and in the distant out-ports, there were none at all. Their only purpose in being there was to supply the fisherman with provisions and to collect from them their fish and oil. "They have no other occupation - and if the house fail, the parties immediately withdraw from the island."<sup>1</sup>

James Sims, the Attorney General in 1831, pointed out that the change from a transitory to a sedentary fishery affected only the fishermen - the merchant class had remained transitory. Their homes and families for the most part were still in the United Kingdom. According to his own observations, "In the past twenty-one years, the principal inhabitants have undergone

1. Ibid.

three complete changes within that period - deaths, retirements to Britain with acquired fortunes and retirements with ruined ones have formed the substantive causes."<sup>1</sup> It would remain to be seen what type of institutions this dominant class, interested only in commercial returns, would attempt to fashion for Newfoundland society in order to further their own interests.

The remainder of Newfoundland society in the period under study can be divided into two main groups.<sup>2</sup> The planters were the permanent residents who owned fishing rooms. They were experienced fishermen and were often the masters on fishing voyages.

The other groups were known simply as fishermen and were really a labouring class. Many of them were recent immigrants from England or Ireland who had agreed to come to Newfoundland for two summers and a winter, and who had signed a contract guaranteeing that they would return home at the end of their period of employment. Many, however, either went on to the North American mainland or remained on the island. Those who were

1. C.O. 194/91 May 31, 1831, Enclosure from Sims on Responsible Government.
2. Much of this information on the actual operation of the fishery comes from Newfoundland and Its Missionaries by the Rev. William Wilson, Dakin and Metcalf, Cambridge, Mass. 1866, pp. 204-216.

destitute at the end of the fishing season often agreed to give their services the next fishing season in return for their room and board for the winter, and so came to be known as "dieters".

The fishery itself demanded a skilled division of labour and men had to be trained to do specific functions:

In the process of the fishery there is a division of labour; and among the servants of a planter, one man is a Boat's master, another goes master of a Baitskiff (to catch bait for all the boats' crews), a third master of the Cod-sein skiff: one man is Master of Voyage (superintending the process of curing the fish), another is Header, another Splitter, and another Salter. Each one is hired for his peculiar department.<sup>1</sup>

The absence of any one of these men for a week or even three days in the prime of the season might ruin the planter's voyage.

The shore crew was usually composed of women, usually headed by the planter's wife who was the "skipper". If she had no daughters, she would likely hire other women to help her; each of them to perform a specific function.<sup>2</sup> The children, as soon as they were old enough to be of any help, were expected to do their share as well. The boys went from the shore crew to the boats as soon as they were physically able: the whole family was engaged in the fishery while the season lasted.

1. Carbonear Star and Conception Bay Journal, Wed. Mar. 6, 1833. From a report by James Sims, the Attorney General.
2. Wilson, op. cit., p. 207.

The people spent the early spring in repairing their fishing stages. It was at this time of year that they arranged for their spring supplies at the merchants in order to prepare for the fishery. Although the first bait was herring, the high point of the fishing season was marked by the arrival of the caplin. The fisherman had to begin just after midnight to gather bait, in order to be at the fishing grounds by sunrise. He would return at sunset with his "put" of fish. He would then begin to gather bait again for the next day. According to Wilson, they really never had time to remove their clothes from Sunday to Sunday when the season was at its height.<sup>1</sup>

The shore crew had to work just as hard as the men. When the fish arrived, they had to deal with them immediately no matter how many there were or how long it took, even if it were the whole night. In the morning they had to get the breakfast. The women had to carry the full water horses containing the fish to the flakes. They had to turn the fish spread in the morning, and in the afternoon, gather the dry fish in piles and cover them with rinds (pieces of bark). Meanwhile they had to tend to the house and garden and children. In the evening, the fish spread in the morning had to be gathered in little heaps of the flake for the next day, when it would be respread. Then the new load of fish

1. Ibid., p. 209.

would arrive, and another all night session would begin.<sup>1</sup>

It is easy to understand why the fishermen did not have time to bother with much gardening and why the women could give it little time either. However, when the fishery ended, they gathered what produce they had, usually potatoes and stored it in root cellars for the winter. About the last week of October, the fisherman would settle his account with the merchant, and depending on the fishery, would prepare for an easy or lean winter. His real period of productivity for the year had ended.

In the off-season, the people often moved back into winter homes known as "tilts" in the woods. The men were unable to find employment except perhaps in drawing firewood, and usually spent the time in repairing equipment, boat-building, or simply catching fresh meat. According to Wilson, a man could be hired for the winter around Conception Bay in exchange for his board and a pair of mittens and leggings.<sup>2</sup>

The problems with this type of life emerged after the inflationary conditions prevailing in the war years suddenly came to an end. The planters were caught in the middle between servants who wanted high wages and falling world markets. The people who were completely dependent on the returns of this one industry might work

1. Ibid., p. 210.

2. Ibid., p. 214.

night and day through the summer and yet not have earned enough to see them through the winter. How would Newfoundland society provide for these people who were the victims of an over-dependence on an unstable industry?

Divisions other than economic class ones did emerge in this period to add to the island's problems. Racial and religious conflict which cut across class lines was imported from England and Ireland. In order to understand the problems confronting Newfoundland society in this regard, it is necessary to look briefly at the situation in Great Britain at the time.

English policy regarding Ireland was of longer standing and no more successful than the one regarding Newfoundland. They had tried to force English Protestant rule on the island and had only succeeded in spite of long years of suppression in fusing Irish nationalism and Catholicism into an undying resistance to Anglicization.<sup>1</sup> It was this peculiar brand of vociferous Catholic nationalism, differing markedly from other types of European Catholicism, which was transported to Newfoundland and made its own place in Newfoundland society.

A rapidly growing population in Ireland combined with the greed and indifference of absentee landlords made social conditions in Ireland almost intolerable.<sup>2</sup>

1. Ireland and Irish Emigration to the New World from 1815 to the Famine. William Forbes Adams, Yale University Press, New Haven, 1832, p. 367.

2. Ibid., p. 17.

The response of many had been to form a United Irish Movement, an attempt to overthrow the English by revolution. This failed eventually, but not before it had aroused an ardent Protestantism, which found its flowering in the Orange movement.<sup>1</sup>

Poverty and hunger stimulated the flow of immigration to North America from Ireland. Newfoundland was a favoured jumping-off place for many of those on their way to the United States as the trade to the island and Labrador was not regulated until 1816, and because the cost of passage to Newfoundland was modest. However, many of those intending to go further found themselves stranded, penniless.<sup>2</sup> St. John's became the repository for a rural slum clearance emigration project from Ireland. McLintock describes the over-crowded, filthy ships they were brought here on, and then how they were abandoned. He felt that "It was the Presence of this derelict society, always destitute and often indolent and vicious that created grave social difficulties."<sup>3</sup>

As well as hunger, the newcomers brought their religious nationalism, and in 1800 there was an abortive United Irish uprising in the St. John's garrison. It is interesting to note that the uprising failed chiefly

1. Ibid., p. 367.

2. Ibid., p. 71.

3. McLintock, op. cit., p. 127.

because Father O'Donel, the sole Roman Catholic priest at the time, had reported it. He owed his position to the sufferance of the British government and he was not going to jeopardize it.<sup>1</sup> When later Roman Catholic priests, graduates of the fiercely Irish Maynooth arrived,<sup>2</sup> the distinction between nationalism and religion disappeared. It will be part of this study to note the change in attitude between Bishop O'Donel and Bishop Fleming as emblematic of the way Irish Catholic attitudes transplanted themselves to Newfoundland.

This development is very understandable in view of the fact that the Irish belonged almost entirely to the working class while the government was exclusively English. The social situation in Newfoundland was in many respects little better than the Ireland they had left and class antagonisms were soon coloured by those of race and religion. The fear and mistrust of the British administrators is illustrated by the normally liberal Gower:

Notwithstanding the expediency of a free toleration of the Roman Catholic Religion in Newfoundland and the attachment of its ministers to the Government yet the active zeal which is generally found in the Romish clergy, requires that the utmost diligence should be used, on the part of the Government, to support the Established Religion, which I am sorry to

1. Ibid., p. 126.
2. Maynooth was the Seminary for training Catholic priests established in Ireland after the French Revolution. At this time, its students were from the lower classes and were most sympathetic to Irish nationalist appeals.

observe is too little regarded, and the number of missionaries so small as to induce many to become converts to the Romish Faith.<sup>1</sup>

To Gower, conversion to Catholicism was not a religious but a political matter to be viewed with grave concern.<sup>2</sup> So the Old World quarrels and suspicions were transplanted to the colony, which prior to this most observers seem to agree was fairly free of religious bickering.<sup>3</sup> The correlation between religion and political attitudes was virtually unquestioned.

If the governing class feared and resented Irish Catholic influence this meant a division in the loyalty of the fishermen of English extraction. Their interests were the same economically as the Irish Catholics, but the question of which pull would be stronger if economics and race and religion were divided remained to be seen. The extent to which race and religion were used to secure allegiance to the merchant's control will be examined in this study.

These were the general social forces at work in this period. It would give a more accurate picture, however, if actual figures and statistics were given. The population of the island rose steadily throughout this period. In 1800, according to the very rough census returns compiled by the governors, there were

1. C.O. 194/45, Gower/Liverpool, Annual report for 1806, p.36.
2. Ibid., p. 37.
3. Ibid., p. 37.

approximately 15,000 inhabitants and by 1820 the number had risen to almost 43,000.<sup>1</sup> With only occasional setbacks this rapid growth continued right through the period under consideration.

Not until 1817 did the governor stay right through the winter rather than returning with the fleet. He was still a naval man and his appointment ran only a short while. The first real civil governor was Thomas Cochrane in 1825. In almost all cases, the governor had to rely on second hand reports from others about conditions in the island and relied greatly on his secretary in many matters.<sup>2</sup>

The courts of the period were a strange mixture of naval and civil justice. In the Western Charter, the English parliament had ruled that the first captain to enter a harbour in the spring was in charge of it. This, of course, left whatever permanent inhabitants there were at the mercy of these "fishing admirals" and many injustices were committed. Not only were these men ignorant of the law, but they themselves were usually parties to the dispute.<sup>3</sup>

With the decline of the transient fishery and the growth of the permanent island population, this method of settling disputes became unworkable. The people were given the right to appeal the judgments given by

1. McLintock, op. cit., p. 211, Graph A.

2. Ibid., pp. 141-43.

3. Ibid., p. 60.

the fishing admirals (by the 11 William III, Cap. 25) to the officers of the navy. Gradually, the fishing admirals let their judicial functions be assumed in their entirety by the naval officers. An officer could become a "surrogate" only when he was so authorized by the governor. The judgments of these naval surrogates had the virtue of being impartial but they frequently showed ignorance not only of Newfoundland custom, but also of British Civil and Criminal law.<sup>1</sup>

A crisis developed when in the 1780's the merchants challenged their judgments and the Law Officers of the Crown ruled that they had no right to dispense justice. This ruling destroyed the authority of the surrogate courts, but left nothing in their place. Matters were so bad that the British government was at last compelled to act, and following the recommendations contained in the report of Justice Reeves, they passed the Newfoundland Judicature Act,<sup>2</sup> which inter alia gave the surrogates legal status.

This act formalized a system that still was pitifully inadequate mainly because of the poor calibre of judges appointed to Newfoundland. They were usually second-rate people who obtained their positions through influence.<sup>3</sup> An exception to this rule was Francis Forbes,

1. Ibid., pp. 149-50.

2. 31 Geo. III, c. 46.

3. Ibid., p. 131.

who helped lay the legal basis for the customs of the fishery. As well as the problem of the quality of the bench, there was an unevenness in the dispensing of justice. Those who lived in the out-harbours were much less likely to receive prompt or good judgments than those who lived in St. John's.

A further problem was the great difficulty of establishing an independent magistracy since there was no educated class to draw from in Newfoundland. What few educated men there were in the out-ports were either directly engaged in the fishery or were dependent on the merchant's good will. Governor Waldegrave explained the extent of the merchants' power in a letter to Portland:

Unfortunately both the Clergy and Faculty of this Island are so completely dependent on the merchants that should either of them as a Magistrate, decide a case in favour of an arrested servant against an Unjust Merchant, he would be certain to lose his Easter offering if a minister, or his Practice as an Apothecary and Surgeon should he be of the Faculty. The power of the merchants in the Out-Harbours is so great that they rule as perfect despots, being the sole possessors of the meat, drink and clothing by which their wretched subjects are supported.<sup>1</sup>

What type of justice could possibly be established in the face of the merchants' intentions to subvert it for their own purposes?

The churches were still groping to establish themselves in this period. In 1815, there was a total of only 9 Roman Catholic priests, 5 Church of England

1. C.O. 194/44. Extract of Letter from Waldegrave to Portland, October 25, 1797, p. 135.

clergymen, and 9 Methodist preachers for the whole island. Of this number, 4 of the Roman Catholics and 3 of the Anglicans were stationed in St. John's and vicinity. Six of the nine Methodists and seven of their ten places of worship were in Conception Bay.<sup>1</sup> There were pockets of influence, then, but no complete coverage of the island by any group, or even by them all combined. Many people were married without benefit of clergy raising the social problem of common-law marriages and illegitimacy.<sup>2</sup>

Education was linked to the church and was also woefully inadequate.<sup>3</sup> There was one public charity school in St. John's for those who could not afford to pay. As well, there were five small, private Protestant schools and four Roman Catholic schools. In 1818, there was no official record of any other schools on the island, although undoubtedly there were some small private ones.<sup>4</sup>

The inadequacies in government, in law, in religion and in education are explainable not only by the oppressive British policy, but also by the character of the settlement that followed from it. The population, except for

1. Origin and Growth of Wesleyan Methodism 1763-1855, Jacob Parsons, M.A. thesis Memorial University (unpublished) p. 49.
2. McLintock, op. cit., p. 173-74.
3. F. W. Rowe, The History of Education in Newfoundland 1952. This book is the standard work on Newfoundland's educational development.
4. C.O. 194/61. Return of Fisheries and Inhabitants for year 1817, p. 20.

the one urbanized area of St. John's was stretched over hundreds of miles of coastline in small isolated pockets. They were accessible only by water and travel was generally confined to the summer months. This isolation was, and continues to be, a major factor in explaining the slow development of the island.

The urban character of St. John's by contrast came to occupy an extremely important part in the island's life. Even by the time of Gower, it was the emporium for most of the trade of the island, and much of what government, law, religion and education as existed was centred there. Yet even though it was a city of twenty thousand, it had no local government. The streets were in poor condition, the houses huddled together in a dangerous way and live-stock roamed the streets.<sup>1</sup> It suffered greatly from a peculiar type of social problem: the maintenance and care of all the destitute who flocked there at the end of the fishing season.

Agriculture in Newfoundland suffered from both natural and legal restrictions. The soil and climate were not conducive to a very great variety of crops. Grain crops grew poorly: the chief products were the common root crops such as potatoes, turnips and a few of the leafy vegetables such as cabbage. The governors had tried to discourage agriculture for the most part and

1. C.O. 194/60, December 15, 1817, Misc. Papers.

what little there was, was for private use, not for commercial sale.<sup>1</sup>

Transportation was almost entirely by sea, and so it virtually ceased during the winter when the harbours froze over. No roads had been constructed before the time of Cochrane as the terrain was rough and there was no authority to begin and carry such an ambitious project through.<sup>2</sup>

In this quick survey of the island's situation at the end of the Napoleonic wars, it was readily apparent that the island faced great problems in establishing the basic social institutions of government, judicature, church and education. It was a society in which power was held by a group who did not feel a part of it and was only interested in maintaining its commercial dominance. The people were scattered, divided among themselves, ill-educated, and were the victims of an inadequate economic system. Who would wield the power in this colonial society; on whose behalf would it be exercised, and how would it be maintained? These questions will be dealt with in the succeeding chapters as we study the emergence of the institutions of Newfoundland society.

1. McLintock, op. cit., p. 167.

2. Ibid., p. 168.

## CHAPTER TWO

### The Struggle for Control of the Political Power Structure

By the end of the Napoleonic Wars, the transient fishery had virtually ceased, and the West Country merchants were unable to persuade the British parliament to revive it by further discriminatory legislation. Instead, the British granted Newfoundland the status of a British colony in 1824 and in the following years appointed the first civil governor. In 1833, they were persuaded to endow it with representative institutions like every other North American colony. Throughout this period, we can see the struggle between the various factions in Newfoundland to determine the nature of this new power structure which was to be centred in the island itself, not in the West Country of England.

The first factor to consider is the nature of one political institution which had existed prior to this time, the naval governorship. The theoretical source of authority for Newfoundland was the British crown, and since the monarch governed constitutionally, the ultimate source of authority was the king and parliament. As Newfoundland was not officially recognized as a colony until 1824, the only statutes relating directly to it were those regulating the overseas fishery. In order to carry out these regulations and to oversee the

fishing fleet, the naval commander of the fleet patrolling Newfoundland and Labrador waters was named governor after 1729.

It should be emphasized that the original naval governors were not the exact equivalent of governors in other colonies.<sup>1</sup> In spite of this circumstance, the growth of the island's population forced them more and more into this role, and they were soon faced with an impossible situation. As the representatives of the British crown, they could not ignore the shore population, yet according to their instructions, these people, by a legal fiction, were only transient summer residents, without the rights of colonists to land tenure. Neither were they entitled to hold property or develop the agriculture of the region.

The governors were presented on the one hand with great social and legal problems and on the other hand with completely unrealistic instructions from London. They had no assembly or council to deal with, no properly constituted channels through which to exercise their authority. This dilemma transformed the governorship into a peculiar kind of institution. Lacking any legal authority over the populace, except as pertained to the fishery, they nevertheless were forced to fill the

1. McLintock, p. 141.

leadership vacuum created by an unrealistic government policy, and exercised very great arbitrary power. They attempted to establish their authority through proclamations on all manner of subjects. These decrees were never recognized as being legally binding by either the British government or the law courts.<sup>1</sup> The courts presided over by the governors themselves, the surrogates who acted under warrants issued by Governor Milbanke's Court of Common Pleas, were all declared illegal.

The only political institution then, prior to this time, was a governorship which had extended its authority by proclamations of dubious legality and which lacked proper organs to administer its decrees. What were the effects of such a system in the island community? Whom did it benefit and who suffered the most under it?

The reaction of the merchants from Poole and other English firms trading to Newfoundland was a mixed one. In some ways, this situation seemed to suit their interests admirably as a weak civil authority meant little interference and no taxes. On the other hand, the naval governor did not always act in their interests and there was no effective way that they could protest, except through expensive litigation in England.

1. C.O. 194/69. Francis Forbes, Comments by F. Forbes on the New Act to be Passed for Newfoundland, 1823, p. 34.

An arbitrary, yet ineffectual civil authority developed in the mass of the settlers a certain attitude towards government generally. Every settler was a resident of Newfoundland in disobedience to the will of the British parliament; and, as the Judges of the Newfoundland Supreme Court pointed out, "LAW and PRACTICE instead of going hand in hand together, as they ought to do, were in several instances directly opposed to each other."<sup>1</sup>

The response of the ordinary people of the island to the naval governors was illustrated more by actions than by words. They did not obey proclamations which could not be enforced - they married illegally, planted gardens illegally and built homes illegally. The attitudes of the Irish were further coloured by their experience with government in Ireland, but this will be dealt with in more detail in a later chapter. Authority for the people then was negative, emanated from outside their community, and was incapable of enforcing its decrees for the most part. As will be seen, this bred a great contempt for law and a suspicion of government generally.

Although the merchants and the fishermen disliked the naval governors for different reasons, there seemed

1. Report of the Judges of the Supreme Court of Newfoundland on the Judicature Bill, Carbonear Star, Wednesday, March 13, 1833.

to be general agreement with Patrick Morris' exaggerated portrayal of them when he likened them to the earlier fishing admirals:

The principles upon which they acted were the same - a pure, unqualified and unmitigated despotism. The government of Newfoundland by the Admirals of the British fleet, exhibits examples of the dangers of placing uncontrolled power in the hands of any man or set of men, and affords melancholy proof that English gentlemen, the representatives of a constitutional king, ...did in the exercise of power, act more like Persian Satraps or Turkish bashaws than men, who it is to be supposed, were well read in the constitutional history of their own country.<sup>1</sup>

It was with a sense of anticipation that the island community awaited the arrival of the first real civil governor, Sir Thomas Cochrane, the man who was to help them shape the institutions of a full-fledged British colony. He, himself, seemed to realize the importance of his task and felt that his role was to be the leader and guide in several key areas - promoting agriculture, developing roads and strengthening the judicial and ecclesiastical institutions.<sup>2</sup> However, his attempts to provide such leadership soon ground to a halt in the morass of class and party conflict which

1. Morris, Patrick. Remarks on the State of Society, Religion, Morals and Education at Newfoundland, London, 1827, p. 10.
2. Despatches of Governor of Newfoundland to Secretary of States for Years 1825-26. Despatches No. 9 (Jan. 30, 1826), No. 31 (Nov. 10, 1826).

opened up before him. Perhaps a very wise statesman could have avoided choosing sides and have continued to promote his own non-partisan solutions to the island's problems, but Cochrane was unable to keep from being embroiled.

The situation he faced was a new one for the whole structure of Newfoundland trade had changed since the war. There was a steady increase in the trade, wealth and population of St. John's, and to some extent in that of Harbour Grace and Carbonear. Their gain was at the expense of the other, once flourishing, out-ports, which were steadily declining.<sup>1</sup> The ports in Great Britain which had the greatest amount of shipping and capital invested in the trade were the West Country ones. In order of importance these were: Poole, Torbay (including Dartmouth, Teignmouth, Brixham-- one of the major firms from here was the house of Newman), Greenoch, Liverpool and Bristol. There was also considerable trade from Waterford in Ireland. Liverpool was one of the chief suppliers of the Newfoundland trade, particularly of manufactured goods.<sup>2</sup>

1. C.O. 194/81, Enclosure from Sims on Responsible Government, May 31, 1831, p. 141.
2. C.O. 194/79, W.W. Cormack to Murray, Dec. 26, 1829, p. 173.

However, more than half the Newfoundland trade was now carried on in St. John's where there was not one firm from Poole, and where the principal houses, with the exception of only one or two, were Scottish.<sup>1</sup> A power struggle developed in this period between these West Country firms, centred in the out-ports, and the newer firms centred in St. John's, for commercial dominance. The opposing forces have not really entered the area of political rivalry during the 1820's when the incorporation of St. John's was discussed, but by 1830 they emerged as full scale antagonists during the fight over the introduction of a local legislature.

The first political issue facing the new governor, the incorporation of St. John's, arose from the 35th section of the act establishing Newfoundland's rights as a colony.<sup>2</sup> Cochrane's method of implementing this clause was to submit

"confidentially, to some of the leading merchants and others, of different parties, who seem to have the most influence in the Community, a sketch of the type of local Government which appeared to me would best answer the purposes intended by the Act.<sup>3</sup>

As a result of Cochrane's initiative, several meetings were held and an obvious split emerged among

1. Ibid., p. 174.
2. "Act for The Better Administration of Justice in Newfoundland", 5th George IV, c. 67.
3. Despatches to the Secretary of State, op. cit., No. 17, Cochrane to Bathurst. May 27, 1826.

the St. John's merchants. The first group, according to Cochrane, were the wealthier and more numerous.<sup>1</sup> They favoured incorporation with a town council of 15 persons to be elected for a period of three years. The chairman was to be elected by the members of the council itself. They would have set a definite limit on the amount of assessment the council could levy on landlords or owners. The maximum amount would not have exceeded one and a half per cent of the annual rent paid by tenants. The franchise would have been limited to freeholders or government leaseholders who paid ten pounds a year or tenants who paid twenty pounds a year, while the qualifications for membership of the council would have been five times as high.<sup>2</sup>

The second group of merchants did not wish to have incorporation at all.<sup>3</sup> They were not opposed to town improvement and an increase in services, but they wished them to be paid for from the rent from the ships rooms,<sup>4</sup>

1. Ibid., The leading names were: Carson, Hoyles, Morris, Bowring, William Thomas, Brooking, Bland, Beck, Gill, Doyle, Lilly, Hogan, P. Kough.
2. Ibid., Enclosure No. 3.
3. Ibid., Enclosures 2, 5, 6. This group included Newman, Stewart and Bennett.
4. A "ships room" was originally the area of shoreline needed by a ship's crew to dry the cod. It could neither be bought or sold as private property, but as St. John's developed commercially, these areas were rented by the government to the merchants for commercial use.

which was going directly to the British treasury. At first glance, they appeared to be the more liberal group, as they proposed a council that would be elected annually, with every household paying a rent of only ten pounds a year, and every freeholder eligible to vote. However, they wished to limit the members of the council to those eligible to serve as grand jurors, and this group was comprised only of "the principal merchants and gentlemen of the town".<sup>1</sup>

The difference between the two groups was not simply a matter of property as Cochrane suggested. William Carson, the outstanding liberal spokesman in the colony, who was not a particularly wealthy man himself, sided with the former group. The real difference seems to lie in their degree of commitment to the island community. The first group were willing to establish a corporation possessing some real powers and were willing to see themselves taxed by it. The second group were not, and proposed a council that would be changed frequently and seemed to be willing to appeal to the people on a broader basis, while denying them any real share of the power. What they probably anticipated was to be able to sway the electorate through their economic

1. Journal of Assembly of Newfoundland 1837. Appendix, p. 495. The complete list of grand jurors for 1833 included only 75 names, the leading merchants.

power over them. This group was probably the more transitory part of the merchant community.

The result of this conflict of interests was a stalemate. The second group, those opposing incorporation and taxes, wished to submit their proposal to the people in a type of referendum.<sup>1</sup> Cochrane felt this was unnecessary, as he did not consider this group had nearly the weight of numbers or the wealth of the other group. Possibly he feared the results of a referendum, but more likely he did not consider the opinion of the people in general particularly mattered. At any rate, the merchant community was considered to be too divided on the issue for any further action and the incorporation of St. John's was delayed until the 1880's.

The next major issue which arose concerned the proposal by Huskisson, the British Colonial Secretary, that the expenses of a civil establishment in Newfoundland be met by a 2% duty on most of its imported supplies. This idea was met by a storm of protest from the Newfoundland merchant community, who fervently held that supplies for the fishery ought to be duty free.<sup>2</sup>

1. Despatches to the Secretary of State, Cochrane to Bathurst, No. 17, May 27, 1826.
2. C.O. 194/78, Cochrane to Murray, No. 2, Jan. 6, 1829, Enclosure. Report of Chamber of Commerce on Proposed Changes in Judicature and Fisheries Act.

The response of the St. John's merchants to such a threat to their business was to revive in force the movement for a local legislature.

An earlier agitation for a local legislature had arisen in 1819 over the case of Butler and Lundrigan where a surrogate had obviously abused his authority. Although most of the merchants at that time were willing to see the surrogate system altered, there was only a small minority, led by William Carson, who wanted a local legislature. (The resolutions of the original meeting held in St. John's in 1820 to appeal the case of Butler and Lundrigan mentioned only the repeal of the surrogate system and nothing about a local legislature.)<sup>1</sup> In fact, a petition from St. John's specifically states that they are not asking for a legislature, but only wished reform of the government and system of justice, and their primary aim was to petition for the removal of the surrogates.<sup>2</sup>

Why was a proposal which had so little support ten years earlier taken up with such force in 1829?

Obviously the merchants were disturbed by the prospect

1. D. W. Prowse - A History of Newfoundland, 2nd ed., Eyre and Spottiswoode, 1896, p. 411. The original resolutions are given.
2. Despatches to the Secretary of State 1818-21, Feb. 3., 1821. Petition of people of St. John's.

of a duty on all imported goods and felt they had to move quickly or even more costly proposals might follow in the future!<sup>1</sup> However, the question arises, why did they press for a local legislature rather than some form of legislative council in which they would be firmly in control? The reasons for this are more complex than the simple desire for liberty bubbling up in them, as McLintock suggested.

Although the St. John's merchant community had been divided among itself in 1826, it could be united on its desire to outstrip its commercial rivals - the West County merchants. A local legislature was one way in which St. John's merchants might extend their control over the whole island. Independent observers such as Cochrane and Attorney-General Sims believed this was their intention.<sup>2</sup> This point of view is also found in the petition from the Poole merchants established in the out-ports expressing their fears concerning the proposed legislature.<sup>3</sup> They felt that such a move would highly prejudice their interests. They argued that the only

1. C.O. 194/81. Cochrane to Murray, May 4, 1831.
2. Ibid. See also Enclosure from Sims on Responsible Government.
3. C.O. 194/84. Memorial from Poole merchants engaged in the trade of Newfoundland and having Establishments in the Out-ports, July 30, 1832, p. 325.

legitimate emporium ought to be the bay where the fish was caught and from which it was transported directly to the world markets. They argued strongly against the pretensions of St. John's to be a general depot for the island.

The petition pointed out that the out-ports could not be fairly represented, as they lacked the qualified people. It would be difficult for representatives to attend the sessions, because of the distance and time of year that it would be held, during the fishery. If members were elected from St. John's to represent them, they would support only their own interests. The petition was signed by Thomas Slade and William Harrington and the other large Poole firms. In St. John's, Newman, a major West County merchant refused to sign the petition calling for a meeting to discuss the proposal for a legislature.<sup>1</sup>

Another motive, again not too openly expressed, for desiring a local legislature rather than an appointed council, was the desire on the part of the leading Catholics for a larger share of political power.

1. C.O. 194/79. Report of Public Meeting, St. John's, December 18, 1828, p. 299.

John Shea, Timothy Hogan, Patrick Morris and John Kent, as well as others, were all strong supporters for the idea of a legislature.<sup>1</sup> Governor Cochrane was opposed to Catholics gaining any political control in a legislature and his proposed council did not include any Catholics.<sup>2</sup> Joseph Shea in an editorial in The Newfoundlander pointed out that a local legislature would prevent taxes being imposed for the benefit of the Church of England as the governor and many of the Anglican merchants would have favoured.<sup>3</sup> The debate over a legislature for Newfoundland was proceeding at the same time that emancipation for Catholics was being discussed in England, and the whole issue was followed with keen interest by the Irish in Newfoundland.<sup>4</sup>

The other motive for desiring a local legislature was the genuine liberal belief that as British subjects had the right to govern themselves and make their own decisions. This was certainly the viewpoint of Dr. Carson. How many of the others shared these sentiments is hard to estimate, as all groups used the language of liberalism, whether they really subscribed to its philosophy

1. Ibid.
2. C. O. 194/81. Cochrane to Murray, May 4, 1831, p. 112.
3. Thursday, October 4, 1830.
4. The Newfoundlander, Thursday, May 7, 1829--For months before this, the paper had published details of the debate.

or not, to press their claims on the British government.

All these groups were able to unite in the common cause for the legislature by avoiding the pitfall that had killed the idea of incorporation. In none of their petitions is there any reference to a proposed franchise or structure of the new institutions. Governor Cochrane tried to discover what the intentions of the petitioners were, but they did not seem to have given the matter any thought.<sup>1</sup>

Governor Cochrane's position in the debate was completely negative, as he felt that the whole proposal was premature. He felt that the St. John's merchants were not interested in the welfare of the island as a whole and he did not believe that there was a sufficient body of "the respectable classes" to warrant a legislature. Instead, he proposed a local council to deal with local improvements, laws and police. It would have been composed of one half government officials and the other half of the "most influential persons in the community."<sup>2</sup> Although Cochrane did not favour

1. C.O. 194/81. Cochrane to Goderich, Apr. 14, 1831, p.73.

2. C.O. 194/81. Cochrane to Murray, May 4, 1831, p. 111.

the St. John's merchants bid for complete control, it was obvious that his sympathies lay completely with the propertied classes.

In spite of the objections of Cochrane and the West Country merchants, the British government granted the approval for an elected assembly and legislative council such as the other North American colonies had in 1832. There appeared to be widespread support in the island for it. It had been relatively easy to obtain signatures from people in the outports in favour of local government.<sup>1</sup> Even though the chief inhabitants were most suspicious of the intentions of St. John's, the promises of great benefits that a local legislature would bring won over large numbers of the population.<sup>2</sup> The language of liberalism with its stirring appeal for freedom to govern oneself was unable to be countered by the West Country merchants without making them seem selfishly concerned about their own monopolies. Cochrane's opinions could be brushed aside as those of an ultra-conservative.

The case for representative government for Newfoundland had been very skillfully presented at an opportune moment by George Robinson, Tory member for Worcester, in the

1. The Newfoundlander, Thursday, October 7, 1830.
2. Ibid., Oct. 6, 1831. Report of Public Meeting on the Subject of a Local Legislature.
3. Gertrude Gunn, The Political History of Newfoundland 1832 - 1864, University of Toronto Press, 1966, p. 13.

British House of Commons. He promised that if Newfoundland were granted a legislature it would never again ask the British House for a farthing. He won the support of the radicals in the House and the British government had to reluctantly agree to give some form of representative institutions to Newfoundland.<sup>1</sup>

The most interesting feature of the legislation granting a representative assembly and council was the very wide franchise given to Newfoundland. Anyone could vote if he were twenty-one, a British subject, without a criminal record, and had occupied a dwelling as an owner or tenant in Newfoundland for one year. The same qualifications applied in order to stand as a member for the assembly, except that the residence period was two years. This was far wider than the franchise enjoyed in England itself at that time, and was greeted with horror by Cochrane. The petitions had not specified any particular franchise, so the questions arose as to who was behind this proposal and what were the motives.

The influential St. John's merchants were apparently unable to press for any specific franchise, because they could not agree among themselves as the earlier controversy

1. Ibid., p. 11.

surrounding the proposed incorporation of St. John's readily showed. With any sort of proposal for a high property franchise they would undoubtedly have lost the support of the people generally.

The initiative in this matter, then, came from the colonial office as they tried to prevent setting up a system which would allow the St. John's merchants to completely dominate the rest of the island. Lord Howick reassured the Poole merchants that their interests would not be sacrificed to St. John's.<sup>1</sup> The protective measures taken were the wide franchise, a low member's qualification in order to gain sufficient numbers of candidates and the underrepresentation of St. John's.

The struggle for power between the St. John's based merchants and the out-port merchants had resulted in the seeming victory of St. John's for they gained the legislative assembly and council they desired. However, the wide franchise imposed by the colonial office, was to make possible the development of a new force politically which neither group of merchants had considered - the people-led by a combination of radical liberals and Roman Catholic Irish clergy.

1. Ibid., p. 12-13.

The whole development of this battle for control of the new political institutions has been dealt with in detail by Gertrude Gunn in her work The Political History of Newfoundland, and by Leslie Harris in The First Nine Years of Representative Government in Newfoundland,<sup>1</sup> so a short review of the main points ought to be enough to illustrate this new development. In the first place it should be pointed out that the colonial office officials were very reluctant to see the type of system that had proved of dubious value in both the Canadas and the Maritime colonies imposed on Newfoundland. The result of the division between an elected assembly and an appointed legislative council had been conflict based on class and religion in every instance. They believed that Newfoundland would prove no exception, and in the end they were shown to have been correct in their assumption.

The election of John Kent in St. John's symbolized the new forces that were now to find voice in the colony. In his platform he pledged himself to fight against the merchant oligarchy. Henry Winton, editor of the Ledger, led the attack against him. One of Winton's strongest arguments was that he was unpropertied, and therefore unreliable. Furthermore, he was a Catholic

1. Unpublished M.A. thesis, Memorial University of Newfoundland, 1958.

and therefore subject to "priestly influence".<sup>1</sup>

Religious antagonism which had been fairly dormant in the colony, was invoked in the power struggle between the merchant class, which was Protestant in the main, and the fishermen, who were largely Roman Catholic in several key areas, including St. John's itself. The venom of Winton's attack was equalled by replies of Kent and so the destructive alliance between class and religion began to emerge.

Bishop Fleming, as an "advocate of the poor" supported Kent,<sup>2</sup> and when Winton's attack turned towards the bishop, Catholics in all parts of the island sprang to the support of their leader.<sup>3</sup> Winton urged the Catholics to throw off their clerical shackles, and when this failed, printed the veiled threat that Protestant merchants would not give relief to needy Catholics who voted against them in the election.<sup>4</sup> Winton spoke not only for himself, for it is clear from various memorials and from the amount of mercantile advertising in his newspaper, that his views had the full support of the main body of the merchants.<sup>5</sup> In the struggle for

1. Public Ledger, Editorial, Tuesday, September 18, 1832.
2. Newfoundlander, Thursday September 20, 1832. Letter From Fleming.
3. Memorials presented from Public Meetings of Catholics in Harbour Grace, Carbonear, St. John's, Brigus published in Newfoundlander from Thursday October 4, 1832, through to November 1, 1832.
4. Editorial, Public Ledger, Tuesday October 9, 1832.
5. Editorial, Patriot, Tuesday July 28, 1835.

political control holds were barred on neither side, and any passion or prejudice which either side thought would aid their cause, was used.

What was it that the merchant class had to fear from a popular assembly that they fought so hard to keep control of it? The answer is partially made clear by the public resolutions passed by the Freeholders of Harbour Grace just prior to the first elections. These resolutions were to be binding on all candidates. They were as follows:

1. to watch expenditure of public funds
2. to oppose any tax which would injure the fishery, or agriculture, or bear exclusively on the poor
3. to do their best to procure an act giving balance of servant's wages TO BE PAID IN CASH(sic)
4. to oppose any bill changing mode of sharing in sealing whereby sharemen would get less
5. to use their power to prevent any public offices or emoluments going to any others than NATIVES (sic) or residents of "long standing" in the colony
6. to accept no office or emolument under the government while in the House of Representatives.<sup>1</sup>

The people shared with the merchants a fear of taxation, but they also foresaw taxes which would only fall on themselves. They hoped to see the Assembly used to improve their economic status by doing away with the truck system. This proposal cut right to the heart of the merchant's control. Also, they were actively

1. Newfoundlander, Thursday October 11, 1832.

resisting the current attempts to change the share system of the sealing industry and introduce truck for wages.<sup>1</sup> Many of the people who held offices in the colony were from England or the other colonies, and the people resented their influence. As well, they thought it important that the Assembly members be independent of the government's influence and of self-seeking. It is clear from these resolutions that they hoped to use the popular assembly to challenge the merchants' economic control.

The issues were clearly joined then, and in the first election, the radicals just failed to control a majority of the house. As might be anticipated, much time was spent in futile wrangling, and when bills were finally passed by the Assembly, they still had to pass the solid propertied might of the Legislative Council. The consequence was that no bills which challenged the existing structure were allowed to become law. The reformers felt that the Governor controlled the votes of "a corrupt half dozen in the assembly"<sup>2</sup> and that the Legislative Council was composed exclusively of conservative Anglican Tories, who represented mercantile interests exclusively.<sup>3</sup>

1. Public Ledger, Editorial on Public Meeting by Fishermen. Tuesday February 21, 1832.
2. The Patriot, Editorial, Tuesday Dec. 16, 1834.
3. Ibid., Sat. May 4, 1836.

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Here we can see clearly how the role of the old naval governors had been transformed under the pressure of the clash between the merchants and the reformers. The naval governors lacked the power to affect the island's development, except negatively, but the new civil governors began to use their power to actively aid the merchant class and became active partisans in a savage class conflict. Both Cochrane and Prescott<sup>1</sup> had tried to retain the neutrality of their office at first, but both found that this was impossible to do in the midst of such pressures when their affinities were naturally on one side, with the propertied.

When Cochrane had first arrived, he was quite popular with all groups, but his identification with the interests of the propertied, his fear of Catholic influence, and his fear of popular power, soon turned the reformers against him.<sup>2</sup>

In 1834, John Kent made the position of the reformers clear when he labelled the governor's opening address to the second session of the first assembly "silly, superficial and vindictive".<sup>3</sup> Although he tried to soften the effect of this somewhat by blaming Cochrane's

1. Governor Prescott succeeded Governor Cochrane in 1834 and remained in office until 1841.
2. C.O. 194/85. Cochrane to Stanley, Dec. 26, 1833.
3. Newfoundlander, Thursday February 6, 1834.

counsellors, yet the attitude was clearly antagonistic. The attitude of the lower classes had also crystallized by the time Cochrane left the colony. The merchants of St. John's and Harbour Grace, as well as the Church of England and Dissenting Clergy all presented him with memorials of tribute. There was no memorial from either the House of Assembly or from the Roman Catholics.

The Newfoundlander, mentioned his departure but no details were given. The Ledger, an organ of the Protestant merchants, told in detail how the "respectable" cheered, but how a large crowd, supposedly primed earlier by a Catholic priest, booed and jeered at his departure.<sup>1</sup> The governor was clearly believed to be the friend of the merchant class.

Although the liberals hoped for great things from his successor, Captain Prescott, who was supposed to be a Whig, it was clear that the council and the merchant interests it represented were able to control the new governor as well. It would have taken a man with a great deal of conviction and background knowledge of Newfoundland to have resisted the point of view of the influential classes, and Prescott was soon echoing the opinions of Cochrane about the Catholics and the inadvisability of representative government, at least

1. Public Ledger, Tuesday November 4, 1834.

the elected part of it.<sup>1</sup>

It was clear by this time that a governor appointed by an aristocratic parliament and subject to the blandishments of the merchant class in St. John's could not serve as a unifying authority for the island society as he would be drawn to use the prestige of the crown in the interests of a class.

Subsequent elections in the 1830's gave the reformers a majority in the assembly, but they were powerless to effect any substantial changes. They did not have control of the colony's revenues and they still had to contend with the Legislative Council and an unsympathetic governor. The deadlock between the two groups left the colony in the grip of the same economic and social system. The popular challenge to the merchant's power had failed, at least temporarily.

What was the response of those who had mounted this challenge when they realized that they were failing? When their counterparts in the Canadas faced the same stalemate, they led rebellions born out of their frustrations with such an inept system of government. However, in the Newfoundland assembly, the members continued to debate endlessly their privileges while real power continued to elude their grasp. In 1841, Governor Prescott dissolved the legislature, and an amalgamated

1. Duplicate Despatches to Colonial Office, 1838-39, G 10, 5. Prescott to Goderich, Jan. 9, 1838.

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legislature, combining both elected and appointed members, was imposed on the colony in 1843.

The real source of opposition to the merchant dominance came from the Roman Catholics and their leaders were found, not in the House of Assembly, but in the church. Was it possible to accommodate Roman Catholic demands without changing the essential structure of society? This was the question facing the ruling clique of merchants. For the sake of civil peace, it had to be settled. The compromise finally reached, is dealt with in Chapter Four.

## CHAPTER THREE

### The System of Justice

The early history of Newfoundland reveals more the absence of justice than its presence. The fishing admirals had been given sole authority under the Western Charter of 1634 over the unfortunate inhabitants of the island. By 1729, their abuses of authority were so flagrant that the British government, however reluctantly, had to make some more adequate legal provisions. In the instructions to Governor Osborne, the first of the naval governors, permission was given to appoint justices of the peace and constables as law officers. Immediate conflict developed between these new officers of the law and the fishing admirals, who were unwilling to surrender any of their power. This conflict between the desire of the merchants to control all legal authority in their own interests and the demands of justice itself, which needs to be impartial and independent, forms and moulds the central theme of the development of the system of justice in Newfoundland.

In 1750, Newfoundland finally received a Commission of Oyer and Terminer, which enabled criminal cases to be tried in Newfoundland rather than being sent to England. In 1764, a court of vice admiralty was

established. Both the Courts of Session and the Court of Vice Admiralty heard all types of complaints in the winter after the governor had gone back to England, as there was really no other authority to which people might turn.

The quality of justice dispensed by these courts was the poorest calibre. Chief Justice Reeves felt that the poor virtually never received fair decisions:

It was, therefore, more frequently employed as an engine of authority, to obtain that, by a court of law, which could not, perhaps, be obtained by open violence.<sup>1</sup>

Judge Prowse gives several examples in his history of judgments passed down by these courts which made a caricature of justice.<sup>2</sup>

In the outports where proper legal authorities were virtually lacking altogether, people in their extremity looked to the officers of the naval vessels patrolling Newfoundland waters to give judgments concerning their disputes. Gradually these officers began to operate as surrogates, arbitrating between the different factions. This development was encouraged by the naval governors who gave the officers the power to act in their name.

1. John Reeves, History of the Government of the Island of Newfoundland, London, 1793, p. 156.
2. Prowse, op. cit., p. 355 and following.

Since the surrogates were relatively impartial and had the physical backing to enforce their decisions, this situation was not pleasing to the West Countrymen. In the 1780's the legality of several of the surrogates' rulings was successfully challenged in English courts. Although the Surrogate Courts continued to operate after this, they did so without any real legal basis.

When Governor Milbanke arrived in 1789, he was so appalled by the quality of the Sessions Courts that he set up his own Court of Common Pleas. The merchants were so enraged by the impartiality of this new court's decisions that they challenged its legality. The final result was that the British Government was forced to investigate the whole Newfoundland situation and make some more adequate provisions for courts.<sup>1</sup>

The man appointed to make the report was John Reeves, a very perceptive English judge, who was appointed Chief Justice of Newfoundland in 1790, and spent a year on the island. His recommendations formed the basis of the Judicature Act of 1791, 31 Geo. III, c. 46. This act became the basis for all subsequent judicial organization in Newfoundland.<sup>2</sup>

1. McLintock, op. cit., p. 142.

2. Ibid.

The structure that Reeves proposed was a Supreme Court for St. John's with a bench consisting of a chief justice and two assistant judges. The governor's courts were to be discontinued. From this time on, the governor's only judicial power was to appoint naval surrogates to act as judges in the outlying areas. The Courts of Session were to continue, but their jurisdiction was to be limited to minor offences.

When the act was made annually renewable in 1793, there were some alterations. The defendant was given the right to claim a jury in civil cases in both the Supreme and Surrogate Courts. Judge Reeves and, later, Judge Forbes, were both opposed to jury trial, as they did not believe that it would work well in Newfoundland, except perhaps in St. John's itself.<sup>1</sup> The summary proceedings of the courts in Newfoundland were adopted to give speedy justice in matters usually arising at the height of the fishing season, when manpower was at a premium and swiftness was important.

In March 1809, the Act, 49 George III, c. 27, made the Judicature Act for Newfoundland permanent with but few changes. The civil jurisdiction of the Supreme and Surrogate Courts was extended to all civil

1. "Report of His Majesty's Attorney General on the Judicature Laws of that Colony", Carbonear Star, Wednesday, March 6, 1833.

suits and complaints arising in Great Britain and Ireland. Either plaintiff or defendant could demand a jury in civil actions exceeding 40 shillings. Although the summary form of justice, which dispensed with a jury seemed to satisfy the majority of those involved, the British parliament was careful to leave open the option of a jury trial.

The most important new feature was the clause which stated that the Chief Justice of Newfoundland was to decide which laws of England were applicable in Newfoundland, either in whole or in part, and to what extent they should be applied. This provision gave the Chief Justice an enormous responsibility, since this was virtually a legislative power. Fortunately for the colony, the man chosen to administer this act was Francis Forbes, an extremely competent judge, and it was he who established the legal basis for many of the practices of the fishery.<sup>1</sup>

He entered a situation in which only one member of the bench of the Supreme Court before 1810 had been a lawyer. He found that the surrogate courts were the source of many legal abuses, and that the Courts of Session were, in the main, presided over

1. Chief Justice from 1816 to 1822.

by magistrates who had a direct interest in the trial, and in some cases were themselves the defendants.

In addition, the prosperous war years had caused an inflationary credit situation in which the commercial practices of the fishery had expanded beyond their own area of business and affected all aspects of the commercial transactions of the colony. As the Judges of the Supreme Court pointed out at the time of Forbes' appointment:

It had become generally received doctrine, that the expression "Current Season" was synonymous to Year; that the word "supplies" included every article that could be bought and sold; and that the estate of every person who was declared insolvent was liable to be distributed according to the law of current supply, whether he had, or had not been directly engaged in the fishery.<sup>1</sup>

The courts of the period had been too weak to resist the combined might of the merchants who wished to extend credit in lieu of capital since they were the preferred creditors in case of failure.

Chief Justice Forbes brought an order and regularity to the Supreme Court and its decisions during his tenure were regarded with respect. He applied the law so as to help the resident population and regarded the laws aiding the transient fishery as dead letters. He felt that "it is necessary to adapt the law to the

1. "Report of the Judges of the Supreme Court of Newfoundland, To His Majesty's Government Upon the Judicature Bill", R. A. Tucker, A. W. Des Barres, E. B. Brenton, Carbonear Star, March 13, 1833.

prevailing system". He ruled that all statute law of England, insofar as it applied to Newfoundland, was the law of the island. This ruling took advantage of the advances made in criminal and civil law in England.

Forbes regarded the Surrogate Courts as having out-lived their usefulness. In theory, they should have functioned adequately, but in practice, the surrogates' training as naval officers militated against their being good civil judges.

Military men do not, cannot, comprehend the nature of our civil tribunals of justice--with them it is a question, not of the administration of law in reference to the rights of suitors, but of powers and personal command in reference to the rank of the judge.<sup>1</sup>

To illustrate his point, Forbes mentioned the cases of more than one Surrogate Judge who appeared in the Supreme Court in order "to vindicate their judgments in person", when an appeal had been lodged against one of their decisions. Some had even gone so far as to complain to the Governor of "what was termed the interference of the Supreme Court--not with them, but with their decrees".<sup>2</sup>

Forbes pointed out that such a system invariably made the Chief Justice appear at odds with the government and the inferior courts. The other major drawback

1. C. O. 194/69. Forbes to Bathurst. March 29, 1823.

2. Ibid.

to the use of naval surrogates was that the people did not respect the judgment of the Courts. This was obvious from the number of appeals made from them to the Supreme Court. He argued that it would be "impossible to teach the better informed part of the public to entertain a better opinion of the legal knowledge and judicial talents of men who they know, of necessity, not to possess the one or the other".<sup>1</sup>

Even Patrick Morris, who was trying to make a case for the law-abiding nature of the people of Newfoundland in his pamphlet on the State of Newfoundland, was forced to admit that he personally knew of cases, which were quite recent, where the surrogate judge on the one hand:

"...supported by all the constituted authorities and well armed, endeavouring to carry his just judgments into execution"

was confronted by the people on the other hand:

"...armed with their long sealing guns, resisting the predatory invasion of their rights and property...In most instances, the judges and their party had to make precipitate retreats." <sup>2</sup>

The Courts of Session were even less respected or regarded than the Surrogate Courts. The reasons for this are easily found. The leading class in Newfoundland,

1. Ibid.

2 . Patrick Morris, Remarks on the State of Society, Religion, Morals and Education in Newfoundland, London, 1827, p. 15-16.

the merchants, had only one or two agents in the smaller outports, or in some harbours, none at all. The only other people of any education there, who might serve as magistrates were clergymen or surgeons. Both of these latter two groups were dependent on the merchants' good will as they collected their tithes or fees, through "stoppages" of the fish and oil the fishermen paid the merchant. Most of the cases were either suits against the merchants or between merchants. The only people who were capable of serving as magistrates however, were those who either had a direct interest in the proceedings or who were under the economic control of the merchants.

The results of such a system were explained in a despatch by Sir Thomas Cochrane:

I am compelled to select a Magistracy who in consequence are frequently placed in the situation of presiding over their own cases. It cannot therefore be surprising that the lower orders entertain little respect for such superiors, and can be little influenced by their example or advice.<sup>1</sup>

Another great problem which plagued Newfoundland society was the almost complete lack of law enforcement agencies. Since there were no civil authorities to levy taxes, there was no money to pay for police

1. C.O. 194/74. Cochrane to Goderich, Jan. 29, 1827.

protection, except that which came from voluntary contributions. When depredations had become too great, the merchants of Harbour Grace and St. John's had formed night patrols to protect their property. These were only sporadic attempts to deal with the problem, however, and did not prove satisfactory.

The situation as Forbes found it was one in which the merchant community dominated the courts and allowed interpretations favourable to themselves to prevail. However, they were not always able to enforce their decisions through lack of police authority and because of contempt the people had for such biased justice. Forbes was not able to cure all the evils stemming from such a tangled legacy, but through his decisions, he did attempt to prune back the most flagrant violations of traditional justice and his recommendations formed the basis for a new judicial system.

It was Forbes who firmly established the legal meaning of the primary commercial customs of the colony, those of preference of payment for the current supplier and the servant's lien on the fish and oil he had caught until such time as his wages were paid. In the summary of the cases of Cunningham vs Bell, Forbes explained how these customs had arisen:

But as the persons who resorted here were commonly in indigent circumstances, and could only raise credit for those supplies which were essential to their fishery upon the faith of the catch of the voyage, it was natural that a local custom should grow out of this order of things; that the employer should have a preferable claim upon the fish for the payment of his supplies, and that the fisherman should look to the same lien for his wage. This local law or preference may be traced beyond any positive enactments, and is particularly recognized in...Palliser's Act. 1

These customs were given the full force of law for the first time in the Judicature Act of 1792. It assured the servants that, in the case of the bankruptcy of the planter, they were entitled to twenty shillings of every pound in the estate to the amount of their wages. The supplying merchant was entitled to the next twenty shillings per pound of his debt before any other creditor.

It has already been mentioned how this special credit relation of the fishery was expanded in the war years to cover every form of commercial transaction.<sup>2</sup> One of Forbes' most important decisions was the case of *The Trustees of Crawford & Co., Appellants vs Cunningham, Bell and Co., Respondents*, which established the legal limits of this custom.<sup>3</sup>

1. Decisions of the Supreme Court of Newfoundland, 1817-28, ed. E. P. Morris, J. W. Withers Co., St. John's, 1901, p.38.
2. Ibid.
3. Newfoundland Law Reports, Op. Cit., p. 37.

In 1815, Crawford & Co. bought a cargo of West Indian produce which was destined for Halifax from Cunningham and Bell. It was paid for in bills which were to be drawn in England in six months time. The cargo was sent, but before the time of payment, Crawford & Co. went bankrupt. Cunningham & Bell appealed to the surrogate court and were named the preferential creditor on the grounds that the cargo was "current supplies". By this ruling they were able to recover most of their investment. This judgment was appealed to Forbes.

He accepted that the law of current supply had been part of the customs of the fishery even before the time of Palliser's Act. Nevertheless, he felt that previous judges had erred in their interpretation of the Judicature Act. He felt that the act had intended to equalize the payment to all creditors, with the exception that it recognized the special credit relations pertaining to the actual operation of the fisheries. Forbes ruled that the general trade and the fisheries were two distinct systems, and that the peculiar credit arrangement of the fishery, could not, and should not, be applied further to the general trade. On these grounds, he reversed the ruling of the Surrogate Court.

This distinction was further clarified in subsequent rulings. In the case of Hunter & Co. vs Trustee of John Langdon,<sup>1</sup> the court ruled that the law of current supply could only be applied to the cod fishery; it did not apply in the seal fishery. Then, in Nov. 1823, Judge Tucker ruled, in the case of Brehant & Shepherd vs Trustees of LeMessieur's Estate, that the estate of an insolvent person who carried on business to a large extent as a general merchant, even though he was directly involved with the fisheries, was not subject to the law of current supply.<sup>2</sup>

As well as limiting the application of the law of current supply, the meaning of current supply was clarified as well. Reversing the judgment of a Surrogate Court, Forbes ruled that only supplies really necessary for the fishery were entitled to preference as "current supply", regardless of the time of year they were issued, provided that it was after the close of the current season.<sup>3</sup> "Current", he felt, had to be interpreted as widely as possible, extending from the close of one season to the beginning of the next. In another case, however, it was made clear that the supplies had

1. Ibid., p. 297.

2. Ibid., p. 361.

3. Trustees of Crawford & Co., vs Hunter & Co., p. 43.

to be issued continually in order to be considered "current account".<sup>1</sup> Supplies which were issued during the winter, but were discontinued before the season opened were not to be considered "current supplies".

Having set the limits to the law of current supply, Forbes was forced to clarify the relationships and obligations which prevailed in the cod fishery. In the case of Patrick Dooley vs Burke and Hackett,<sup>2</sup> he confirmed the ancient right of the servant to follow the produce of the voyage to obtain his wage. He ruled that the supplying merchant of a planter was liable for the wages of the servants of that planter to the extent of the value of the produce of their voyage, if he was aware that the planter had hired them.

However, in the case of Rouke vs Baine, Johnston & Co.,<sup>3</sup> he limited the extent of the lien which the servants possessed. He did this in order to protect the merchant from connivance between the planter and servant. He felt that too much was made of the Act, 15 Geo. III, c. 33, Palliser's Act, of the servant's right to follow the fish and oil. He felt that a lien

1. Sam Codner vs Baine, Johnston & Co., 1821, p. 265.

2. Ibid., p. 190.

3. Ibid., p. 261.

should not apply when the goods in question had been paid for in good faith by a third party. However, the custom could not just be set aside, so the court ruled that the merchant was not liable to pay if there were:

any circumstance of fraud or the suppression of a material fact with the privity of the servant, that will discharge him /the merchant/ from all liability under such judgment.

In the ruling of Baine, Johnston & Co., vs A. Chambers in January 1819<sup>1</sup>, Forbes established an important distinction between St. John's and the out-harbours. Baine, Johnston & Co. had supplied Froud & Sons in Trinity. They received back only half value for their outlay. It turned out that Froud had sold a boat-load of fish to Chambers, who had sent a ship to the out-harbours to buy fish. Chambers had exchanged Froud's fish for supplies, and had not enquired into the state of Froud's account. Baine & Johnston claimed that Chambers was liable for the value of the fish according to the law and usage of the fishery.

However, Chambers claimed that he had a right to buy from anyone who owned fish, as long as he paid for it:

He further insisted that it was not only a usual traffic to barter for fish at the out-harbours, but that it was a great easement to planters to be enabled to sell at their own doors, without the risk of water-carriage, or the expense of freights.<sup>2</sup>

1. Ibid., p. 154.
2. Ibid., p. 219.

Nevertheless, Forbes ruled in favour of Baine & Johnston on the grounds that although St. John's could be regarded as a "market overt", the outports could not. By this he meant that St. John's was "an open and customary place of sale, in which it would be impossible to trace the history of every boat-load of fish which came to market, and the publicity of sale should protect the fair purchaser". However, in the outports, the purchaser took a risk in buying fish on which there might be a lien, and so would be liable to refund.

The planter was actually prevented from by-passing the merchant in the case of Hunter & Co. vs Archibald Graham. Graham had tried to sell his produce directly in Oporto, but since he had been supplied at the regular time in good faith by Hunter & Co. and was unable to pay in fish and oil for his supplies at the end of the season, he was found liable for the amount of the supplies. Forbes held that "Whoever wishes to avail himself of the usage of the fishery must conform himself to such usage".

In the matter of carrying on the fishery on shares rather than wages, Forbes ruled that the Act, 15 Geo. III, Cap. 31, did not rule out other types of contract. Since many men preferred shares to wages, any disallowing of this practice would have to be done by legislative

enactment, not merely by a judicial decision.<sup>1</sup>

The Chief Justice through his interpretation of the Judicial Act had removed many of the excesses caused by the earlier weaknesses of the courts. At the same time however, the clarification ended the fluidity of practice and fixed the relationship between merchant, planter and servant in the rigidity of legal enactment. The easy credit extended to the planters locked them in a system which made them completely dependent on the supplying merchant. Forbes, by his decisions, had given legal security to the customs both of the servants following the fish and the supplying merchant having first claim, but a high price was paid for this security. They were now protected against an unfair interpretation of the fishing customs, but they were also committed to a mutually dependent relationship, which they could not readily alter.

During the next few years, the legal judgments of Forbes were tested in the interpretation of the new Judicature Act of 1824. The next Chief Justice, Richard Alexander Tucker<sup>2</sup>, disagreed with Forbes' ruling that all British statutes, where applicable,

1. Ibid., Stuart & Rennie vs David Walsh, Jan. 1818, p. 82.
2. Chief Justice from 1822 to 1833.

were in force in Newfoundland. He held that only the statute laws which existed at the time of the first settlement could apply. This not only deprived the colony of any improvements or clarifications made in the British common law in the succeeding years, but raised great doubts as to which laws were in fact applicable. Since settlement had been illegal until 1824, the exact date of illegal settlement was difficult to determine, and so the whole issue was left unsettled.

The issue of credit relations in the fishery was very much debated during this period as the relevant section in 5 Geo. IV, Cap. 51., "for the better conduct of the fisheries" was supposed to expire in 1830. In 1828, the St. John's Chamber of Commerce explored the issue of preference of payment to the current supplier and proposed that the privilege of the creditor of supplies should be abolished. There was apparent widespread agreement among the merchants at this time that such a move would be beneficial to the fishery. It is important to note that the merchants were able to see that the customs by which they operated were not necessarily even in their own interests. However, within a short time, some of the merchants began to have doubts about the wisdom of changing

such an established practice and so the debate continued.

In The Harbour Grace and Carbonear Weekly Journal, April 23, 1829, there is a report published from "the Committee of Merchants engaged in the Newfoundland fishery at the Port of Poole", and their attitude is made very plain. They felt that the proposals of the Chamber of Commerce would destroy the security that the merchants and planters both enjoyed, claiming that the present system was a "bond of union". They argued that if it were abandoned, traders would come from the outside and sell the planters "luxuries and spirits". In a bad year though, the outside trader would not extend credit and the fishermen would sink into "irretrievable poverty" as he would not have the means to fish the next spring. The picture painted of the merchant's situation was equally dismal. As he lost business, he would have to cut back, until he eventually was forced to withdraw his capital and leave the trade. The general consequence, then, they warned was that "a now valuable fishery would fall into decay".

The Poole merchants argued that the credit system was valuable and beneficial to the people of Newfoundland:

To assume that extravagance and immorality are its /credit's/ general characteristics is to libel the people of Newfoundland; and to make it a pretext to abridge the few comforts within their reach, the height of injustice.<sup>1</sup>

They denied, as well, that the credit system led to high prices. They claimed that the planter did not benefit from competition, since he was faced with the added expense and delay of taking his goods to St. John's. At the same time, he used up any additional money from the higher prices to buy "needless luxuries".

It is easy to detect the speciousness of their argument. They decried those who wished to protect the fishermen from the extravagance bred by the credit system, saying that such suggestions were a libel on their character, but they in turn wished to protect him from "foolish spending on luxuries" and the "lures of speculative adventurers", meaning merchants other than themselves.

While the issue was debated in public, the whole matter came before the courts in a test case on the interpretation of the Judicature Act of 1824<sup>2</sup>.

1. Harbour Grace Weekly Journal, April 23, 1829.
2. Newfoundland Law Reports, 1829-1845. Decisions of the Supreme Court of Newfoundland. Ed. by Brian Dunfield, St. John's, J. W. Withers Co., 1916. Insolvent Estate of William Alexander, 1831, p. 29.

The court upheld the ruling of Forbes, although it was split on the decision. Tucker and Brenton held that the bankruptcy of a firm engaged both in general trade and in the fishery did not mean that its estate was subject to the law of current supply. Des Barres disagreed. He felt that the intent of the statute was to encourage capital investment in Newfoundland by giving additional security. Without this, the outport planters would find it extremely difficult to obtain credit from St. John's merchants. The effect of the ruling would be to eliminate planters competing with the outport merchants, and to increase the certainty of outport monopolies. Chief Justice Tucker agreed that whether the security offered the planter in his dealings with both merchants and servants was a help or a hindrance was certainly debatable, but that this could not affect their interpretation of the statute.

Both the Attorney General and the Bench of the Supreme Court submitted reports on the state of the Judicature and Laws in Newfoundland in 1833. Neither group was directly involved in the trade so their comments were to some extent disinterested. All of them felt that the laws concerning the preference of the current supplier and the servants' lien on fish

and oil should be gradually withdrawn, as it was not really beneficial to the colony. Attorney General Sims felt that the system encouraged dishonest planters and servants, and felt that the share system ought to be adopted. He was very conservative in his views and he argued that for the well being of the merchant it ought to be changed.<sup>1</sup>

The report of Tucker, Des Barres, and Brenton had similar conclusions for somewhat different reasons.<sup>2</sup> They felt that the credit system was responsible for "idleness and drunkenness among the labouring classes". In their opinions, self-interest was necessary for a full effort, especially in a hazardous occupation. This incentive was removed in the fishery and consequently the men only turned in enough fish to cover their wages, and often sold other fish illegally. Since each man in the boat had a lien on the fish caught by the others, the lazy tended to slack and let the others carry them.

Secondly, the judges felt that the system in its actual working brought "loss to the merchant and ruin to the planter" since it was founded on a system of credit which was intrinsically unreliable. They reasoned that preference of payment was substituted for honesty

1. Carbonear Star, Wednesday, March 6, 1833.

2. Ibid., Wednesday, April 17, 1833.

and skill on the part of the planter. Many honest planters had been ruined since the war by such a system, since the price of wages and supplies had remained high, while the price of fish fell drastically, and only the more unscrupulous survived.

In the judges' opinion, the law of supply both "tends to create credit and destroy it". The merchant would extend credit when it was quite a risk, then foreclose too early for fear of losing his investment. The records of the courts showed how such a system encouraged insolvency. The law of preference, in addition, had led to a tremendous amount of litigation, with the resultant bad feelings to which such actions always gave rise.

As had been shown, a considerable proportion of the Newfoundland community wished to alter the peculiar credit arrangement of the fishery. However, some of the most influential merchants were opposed. The British government, in the face of this divided opinion, postponed any decision by extending the Judicature Act for several years. By this time, representative government had been set up and the problem was handed back to the Newfoundlanders themselves to solve. Opinion was so divided on the issue, and so many other matters occupied the attention of the first assembly that no action was taken.

Then, in November 1835, Judge Boulton<sup>1</sup> attempted to impose, single-handedly, his own solution, without reference to legislative authority or Newfoundland custom. In the case of Colbert vs Howley, he overturned the age-old custom, which made a merchant liable to pay the wages of the servants employed by the planter he supplied.<sup>2</sup> He refused to accept that any local custom could change his ruling and held that once the fish and oil had left the servants' hands, they could not have any lien on a third party. Even though the judge told the jury that they must find for the defendant, the jury, composed exclusively of merchants or their clerks, still took an hour to reach such an unusual decision.

Such a solution, however, imposed suddenly, and without prior consultation, was completely unacceptable to the Newfoundland community. Judge Boulton was disliked intensely by the liberals and Roman Catholics for his Tory views anyway, but this over-ruling of conventional law was one of the strongest arguments used against him when they appealed to England.<sup>3</sup> As a

1. Chief Justice from 1833 to 1838.

2. Enquiry into the Administration of Justice, 1837, Op. Cit., p. 488.

3. Ibid.

result of the appeal, Judge Boulton was dismissed from office in 1838.

This whole incident illustrated the difficulty in changing the economic system through legal means. Even though there was widespread disagreement about the value of the legal customs governing Newfoundland's fishery, both the merchants and the people were caught in the grip of a system which neither found wholly satisfactory, since they could not agree on what changes ought to be made to improve it. Uncertainty, in this case, meant the continuance of the same system in spite of the reservations of those involved.

Chief Justice Forbes, as well as establishing the primary commercial relations of the colony on a solid legal foundation, had a profound influence on the structure of the Newfoundland judicial system, as well. He was much opposed to the surrogate courts, feeling that they were an anachronism, which brought civil justice into disrepute.<sup>1</sup> He was instrumental in having them abolished through publicizing the case of Lundrigan and Butler, where two fishermen were brutally beaten on the orders of a surrogate for very flimsy reasons.

1. C. O. 194/69, Comments by Francis Forbes on the New Act to be Passed for Newfoundland.

Forbes was unable to do much during his tenure of office about the courts of session, except to limit their sphere of authority as much as the Judicial Act allowed. He interpreted the Judicial Act, 49 Geo. III, c. 3, very strictly in the case of Hutton, McLea and Co. vs Denis Kelly.<sup>1</sup> Courts of session were expressly limited to disputes concerning the wages of seamen and all actions of debt under forty shillings. Everything else was to come under one of the other courts.

It was Forbes who was the chief architect in setting up a purely civil judicial system with the new judicial act of 1824, 5 Geo. IV, c. 67. He advocated the maintenance of the supreme court, coupled with the use of itinerant circuit courts to take the place of the surrogate courts. The courts of session were to be kept to minimum legal usage. He suggested, as well, that the surrogates might be retained in the distant outports, which were not very accessible, but this recommendation was not acted upon.<sup>2</sup>

1. Newfoundland Law Reports, 1817-28, op. cit., p. 105.
2. C.O. 194/69. Comments by Francis Forbes on the New Act to be Passed for Newfoundland.

By the 1830's, after the Judicature Act of 1824 had had several years of testing, it was evident that the new system of purely civil justice had not solved the basic problems of the operation of justice in the colony, and in many ways the situation had worsened. In the functioning of the Supreme Court, a lot depended, in this time of change, on the character of the Chief Justice. Unfortunately, Forbes' successors were not his equal in either legal acumen or political understanding. Forbes had found himself in conflict with the Governor over his rulings, but had managed to win the respect of the community generally.

The reason for the conflict with the governor ceased when Cochrane was appointed, since his instructions differed markedly from Hamilton's. However, both Tucker and Boulton were involved with government in a new way when the system of representative government was set up. The Chief Justice was made ex-officio president of the Legislative Council, and both men were inevitably drawn into the vortex of party and class conflict. Since both men were Tories, politically, it was widely believed that the bench was used for political purposes, especially in the case of Boulton. Tucker resigned, rather than

accept the Revenue Bill passed by the houses in 1833,<sup>1</sup> while Boulton was finally forced to tender his resignation in 1838 because of his involvement in the colony's political life.<sup>2</sup>

Chief Justice Boulton, shortly after his arrival, caused the manner in which jury lists were drawn up to be changed.<sup>3</sup> In the new lists for Grand Juries, there were only a handful of Catholics and it was possible for the Attorney General to strike these off. He also caused one whole election, which the radicals had won, to be set aside, since the writs did not have a proper seal. During the disorders which sprang out of the elections, several people were arrested, and those tried before Boulton were very severely dealt with. One man was charged with assault for spitting at a special constable. The jury held that it was unintentional, but the judge forced them to bring in a verdict of guilty, and the man was fined 25 pounds, the equivalent of a whole year's wage.<sup>4</sup>

There were several other incidents as well involving the use of Protestant, merchant-dominated juries to try

1. Public Ledger, March 15, 1833. Speech of Chief Justice Tucker in Council, Feb. 26.
2. C.O. 194/103. Order-in-Council, July 5, 1838.
3. Committee of Enquiry into the Administration of Justice in Newfoundland. Appendix, Journal of the Assembly, 1837. p. 488.
4. Ibid., p. 490.

Roman Catholics in cases with political overtones. The editor of the liberal paper, The Patriot, was found guilty of libel by a jury composed of members of the Chamber of Commerce, who were most opposed to his views generally. The sentence was three months in the gaol and a 50 pound fine. The British government later commuted part of his sentence, but he had already completed serving it.<sup>1</sup> It is not surprising that with incidents like these, Boulton was regarded as the symbol of the ultra-tory party, and all confidence in the fairness of the Supreme Court was lost by the reformers and Roman Catholics.<sup>2</sup>

The Assembly attempted to have Judge Boulton removed from office and sent a delegation to London to press their charges. Judge Boulton personally defended himself against their claims before the Judicial Committee of the Privy Council, arguing that all his judicial decisions were legally justified and that the Assembly's claims were slanderous.<sup>3</sup>

The final ruling of the Privy Council supported the Assembly's position on the whole, although it condemned their vehemence and upheld the personal

1. Ibid., p. 489.

2. The Patriot, Tuesday, Jan. 12, 1836.

3. C.O. 194/103. Privy Council, Case of John Henry Boulton, 1838, Case of Chief Justice, p. 1-22.

integrity of Judge Boulton. The Judge was consequently dismissed from his position for his involvement in the colony's political strife. He was the victim of a system which had combined political and judicial duties to the detriment of the office of chief justice, for to Newfoundlanders it seemed that the Bench had been publicly exposed as an instrument of the merchant class.

The lower courts failed even more than the Supreme Court to fulfill their function. Even the judges themselves admitted that the system was virtually unworkable.<sup>1</sup> They felt that as far as the outports were concerned, the justice dispensed by the Surrogate Courts was in many ways preferable. James Sims felt that circuit courts could never work satisfactorily on any basis since the first requirement of justice was that it be immediate and certain, and the circuit courts were neither.<sup>2</sup> Unless disputes could be dealt with at once during the fishery, the voyage could be ruined for a great number of innocent parties.

However, the circuit courts did not begin their tour until the season was nearly over, and the

1. Report of the Judges of the Supreme Court of Newfoundland Upon the Judicature Bill.
2. Report of His Majesty's Attorney-General Upon the Judicature Bill.

unpredictable fall weather frequently caused them to arrive in a settlement later than scheduled, and then they would be obliged to leave early for the next one. The judges could not hope to cover as many settlements as the surrogates could in their naval vessels.<sup>1</sup>

The result was that the circuit court system was more expensive, but fewer places were visited; the length of the stay of the court was shorter, and the dates of the court were subject to the weather. People actually received less court justice under the new system, as they were obliged to use either these hastily-arranged circuit courts or else go to St. John's. The insurmountable problem was that courts were needed in all the places at once, from about the 10th of October to the end of November. This was the time when fishermen and servants were discharged and accounts were settled for the year. Two judges could not possibly hope to cover the whole coast in this period of time.

The solution proposed by the Attorney-General and the judges was the appointment of permanent resident judges for the various areas of the island. However, the island simply did not have enough money for such purposes, and the British government would not subsidize it.

1. Ibid.

The local Courts of Session had virtually no power as there was still no prospect of an independent magistracy, but they continued to cause trouble, as Cochrane pointed out in a despatch to Goderich:

With the exception of this town and a very indifferent Magistracy in Harbour Grace, I cannot find sufficient Individuals of Independence and Respectability in the other parts of the island, from whom to form a Bench of Magistrates, and to prevent the serious consequences that might result from the total absence of civil powers--I have had to select the most respectable from each settlement as Conservators of the Peace--with powers simply to confine or take Bail, until the Circuit Court arrives--and so seriously does this evil press upon the People amounting almost to a denial of Law and Justice...<sup>1</sup>

Confronted by a situation in which justice was either controlled by the merchant class, or else very expensive and difficult to obtain, the people's response was to rely on direct action. In a bad year, they did not take the merchants to court in order to obtain more supplies. They simply banded together and raided his stores.<sup>2</sup> Since there was virtually no adequate police force, they could do this with impunity, unless there was a naval or military detachment to keep order.<sup>3</sup> If they did not wish to accept truck, rather than the wages due to them, they could follow the example of the

1. C.O. 194/81. Cochrane to Goderich. Apr. 14, 1831.

2. Ledger, Tuesday Mar. 13, 1832.

3. McLintock, p. 166.

seal fishermen of Conception Bay. They organized a meeting on Saddle Hill, then visited the merchants' establishments, one by one, and under the threat of mob violence, obtained the terms that they desired.<sup>1</sup>

Petty thievery was rampant during a bad winter, and the offenders were almost sure never to be brought to court.

The editor of the Carbonear Star pointed out the practical problems facing Carbonear, which, in its lack of law enforcement agencies, was a typical community. A petition sent to the House of Assembly in 1837 stated that it had one aged magistrate, no gaol and one, or sometimes two, constables for a town of 4,485 people. The results were as follows:

Cattle, poultry, clothes are frequently stolen...Gardens are constantly being robbed, yet none of the depredators brought to justice.  
--Why is this? <sup>2</sup>

The answer given is the lack of police protection and the unwillingness of people to go to the expense of prosecuting. He gave the figures for one case, in which it cost a father 3 pounds, 4 shillings, 8 pence to have the man who assaulted his daughter placed in confinement. The editor urged the reform of such practices, feeling that the community ought to pay such expenses, since

1. Ibid., Tuesday Mar. 20, 1832.

2. Carbonear Star, Editorial, Wednesday June 5, 1833.

it was for the community's benefit:

...if any law recognizes the infliction of such heavy expenses on the prosecutor of a felon, protest against it as unjust and a crying evil, calculated only to protect criminals and encourage crime. <sup>1</sup>

Although the merchants may have enjoyed a legal monopoly in the small outports, many dishonest servants and planters sold extra fish illegally. Smuggling was accepted custom, especially along the South coast, where most of the population seemed to be engaged in trade with the French and to a lesser extent, the Americans.<sup>2</sup>

The system of justice was dominated by the merchant class, but the rest of the population was able to avoid the worst excesses of this control by illegal means. No one could be fully satisfied with such a system which obviously did not work, in which justice was the tool of a class and was so openly derided by the actions of the people. However, it displayed the flaws in the social system which had moulded it, and until the system itself changed, there was little likelihood of better justice.

1. Carbonear Star, Editorial, Wed. June 26, 1833.
2. Report of Captain Bennett. Appendix. Journal of House of Assembly, 1837.

## CHAPTER FOUR

### The Role of the Churches

In order to study the relation between the churches and the other institutions of society in Newfoundland, it is necessary to review the situation as it then existed in England. Ever since the establishment of the Church of England in the time of Henry VIII, ecclesiastical and governmental powers were united in the crown. By the time of Elizabeth this relationship was secured, and Roman Catholics, by their religious resistance, were considered to be political trouble-makers as well. This deep rooted distrust of Roman Catholicism as a danger to the state continued into the nineteenth century and affected very much relations with the Irish. Not until 1829 did Catholics gain full political emancipation.

Since the English believed support of the Established Church to be a political, as well as a religious duty, the growth of dissent was checked wherever possible. In spite of theory, however, the continued existence of other Protestant groups made necessary the passage of the Act of Toleration in the time of William. The Established Church

was still left in its secure privileged position, but at least the other churches were allowed, however grudgingly, to exist and to expand, both at home and abroad.

In Newfoundland, there was no financially supported establishment since the island was not recognized as a colony. In spite of this fact, even in the time of Palliser, religion was regarded as a necessary tool of civil order. Article 21 of his instructions stated:

You are to permit a free exercise of religion to all persons except Papists so they will be contented with a quiet and peaceable enjoyment of the same not giving scandal or offence to the government.<sup>1</sup>

It was during the eighteenth century that the Society for the Propagation of the Gospel in Foreign Parts was encouraged to send missionaries to Newfoundland. Although they were not directly government agents, it must be noted that the S.P.G. received a grant from the British Parliament for its work, as well as raising money by voluntary contributions in England. The Society expected that missionaries would receive further payment from the people of the mission field. However,

1. C. O. 194, 17 Palisser's Remarks on Instructions, 1764.

in Newfoundland, there was very little such support given because of the general poverty.

In letter after letter from new missionaries, there are certain standard complaints about the Newfoundland mission, which the missionaries considered a very unflourishing field for church endeavour. The people were scattered, poverty-stricken and ignorant.<sup>1</sup> There was no easy way to travel between settlements except by sea, and this was only possible in the summer. Further, the cost of provisions was so high, that invariably the missionaries found their salaries insufficient and wrote for further financial assistance, since little was forthcoming from the people. In many cases, the letters ended with a plea for transfer to the mainland or Bermuda.<sup>2</sup> It is surprising how many, including George Spencer, who later became the first bishop, thought they ought to be transferred to Bermuda for the sake of "their health". As a result of the reluctance of missionaries to

1. Society for the Propagation of the Gospel in Foreign Parts, "C" Series, Mss. Canada Dio. Nova Scotia, Box 1A/18, Folio 235, No. 271, Rev. Thomas A. Grantham.
2. S.P.G., "C" Series, Box 1A/20, Folio 243, No. 5, Rev. Aubrey George Spencer, July 2, 1821.

serve in Newfoundland and the lack of funds to adequately support them, there were still, by 1815, only five Church of England clergymen for a population of over 40,000; over half of whom were Protestant, scattered in isolated settlements along the coast.

It is against this background that the relation of the church and Newfoundland society must be assessed, for the missionaries were very conscious that their position was extremely vulnerable. Whereas in England, the church was accepted and secure, in Newfoundland it had to prove its worth in order to gain enough support to survive. This difference in situation many of them found difficult to accept, but it was these English missionaries of the S.P.G. who determined just what role the Established Church would play in the life of the colony.

The expectation with which the governors viewed the institution of the church were well summarized in a report by Sir Thomas Cochrane:

I do not join in the opinion entertained by many that wonders are to be affected by Missions and Churches, and I view with much distrust the reports that are published on that subject, and particularly those which issue from Newfoundland--but it appears to me that there is no part of the world where an efficient church establishment would be

productive of better effects or where the precept and example of a pious and attentive clergyman would be so conducive to the improvement of the moral, as well as the religious habits of a people, than among the lower orders of the population of this Government, or where the expense attending it would be more likely to be repaid by an increasing industry and economy, and consequently by fewer calls upon Government for support. The people here, though ignorant yet easily led by those who possess their confidence and therefore an engine equally available to the good and bad.<sup>1</sup>

In order for the church to achieve these social purposes, he proposed that the government support six itinerant clergymen. They would be appointed as chaplains and since they would be paid by the government, they would be removable at its pleasure, if they did not perform their duties adequately. He proposed that the church deliberately court the "lower orders" by building a church in St. John's capable of holding at least 1,500 persons with two-thirds of the seats to be free. In spite of Cochrane's strong arguments that it would be a sound civic investment to establish an ecclesiastical civil service, the proposal was not acted upon by the British Government, who were unprepared to spend any money that they could help on Newfoundland, especially when their support of the S.P.G.

1. Despatches of Governor of Newfoundland to Secretary of State for Years 1825-26, Cochrane to Bathurst, No. 31, Nov. 10, 1826, Report on the Established Church.

was under attack by the Whigs at home.

The formal connection of church and state was never to be made in Newfoundland, in spite of the sympathies of the governors. The church was not endowed with the equivalent of the Upper Canada clergy reserves since the climate in the English Parliament had changed to a more aloof one towards the church by the time Newfoundland was recognized as a colony. It is interesting to notice that it was the British Government who refused to make the connection, while the clergy in Newfoundland were strong advocates of it. John Leigh, Ecclesiastical Commissary, urged that the established clergy be supported by a tax on rum. He pointed out that an increased duty of one shilling on the gallon would support 34 missionaries at 500 pounds a year.<sup>1</sup> Archdeacon Coster also strongly favoured Cochrane's proposal, but he desired only financial support, not government control.<sup>2</sup>

Any chance of formalizing the relation of church and state was lost with the adoption of

1. S.P.G., "C" Series, Box 1A/19, Folio 239, No. 333, Dec. 8, 1818, Twillingate.
2. S.P.G., "C" Series, Box 1A/20, Folio 253, No. 132, Nov. 9, 1826, Bonavista.

representative institutions as the Roman Catholics were, naturally, strongly opposed. One of the reasons, they desired local government was to prevent the possibility of such an occurrence.<sup>1</sup> The missionaries, then, were left to their own devices; they had the blessing of government, but not its active financial support, and so were forced to turn to the people.

The reception which the early missionaries met was quite a mixed one. The settlers had been without any religious institutions for varying lengths of time and many seemed to prefer that state of affairs. There was no social or governmental pressure to force people to attend services or support the church in any way at the beginning, so their actions revealed their real attitudes toward the missionary and what he represented. Unfortunately, the missionaries were not always so frank about these attitudes as they had to report to the society and the temptation to rewrite the facts more favourably was always present. Reports at the time of Archdeacon Coster were criticized in this regard by the society.<sup>2</sup>

1. The Newfoundlander, Editorial, October 14, 1830.
2. S.P.G., "C" Series, Box 1A/18, Folio 253, No. 135, July 21, 1827.

However, it is clear that the early missionaries were not always welcomed with single-minded enthusiasm by those who were supposed to be so in need of their services. One man after another wrote to the society about the indifference and laxity of the people toward the Established Church. Anspach spoke of trying to "efface" the unfavourable impression before made on the minds of the uneducated vulgar, respecting the clergymen of the Established Church.<sup>1</sup> Rev. John Evans of Placentia wrote of the poor attitude of the people of the south coast toward missionaries.<sup>2</sup> John Leigh of Twillingate complained that the people would not pay his atipend, as they claimed they had no money. However, they found money to buy great quantities of rum. He went on to say regarding them:

The people of Newfoundland would be sincere Church Protestants, if it cost them nothing, and they really think that Government ought to procure them Church clergymen for nothing.<sup>3</sup>

Again and again, there rises a complaint about the passivity of the people. Even in regard to the rites of baptism and marriage, they made little

1. S.P.G., "C" Series, Box 1A/18, Folio 230, No. 182, Oct. 25, 1802, Rev. Lewis Amadeus Anspach.
2. S.P.G., "C" Series, Box 1A/17, Folio 218, No. 118, Placentia.
3. Ibid., Folio 239, No. 332, Nov. 4, 1819, Rev. John Leigh.

effort to conform to church praactice.

On the other hand, there are the many petitions from the leading citizens of various places pleading for missionaries, and promising to contribute toward their support. There were, obviously, many who felt that the church was necessary and important for their settlements, and in those places, the missionary was treated with great respect. Rev. William Bullock spoke of the attitude of some of the people in the out-harbours as follows:

They have a most profound veneration for the Gospel as the immediate word of God, and they look upon its teachers with a reverence amounting almost to superstition; this is a fortunate circumstance, and one that may serve in no small degree, to inspire the preacher with the hope of success.<sup>1</sup>

It is impossible to speak of initial attitudes toward the church, then, as they varied from settlement to settlement, probably depending on the English experience of the settlers and the attitudes of the leading people in the settlement, from indifference to great reverence. There was no set pattern for the missionary to fit into. He was free to mould his own situation within the confines of the society which he found.

1. Ibid., Folio 247, No. 21, Oct. 13, 1823, Trinity, Rev. William Bullock.

The first thing which we note about the institutions which the S.P.G. missionaries helped form is that they tried to follow exactly the pattern of the English church, which they had left. This policy may have been natural, but it did not meet the requirements of the colonial situation. The letters place great emphasis on the necessity for building churches and as soon as congregations were gathered together, they were encouraged to build a place of worship. The missionaries' concentration on institutional forms placed a crippling financial burden on people who were ill-prepared for it, emphasized economic division and almost killed the church before it ever became rooted.

An example of the social problems raised by this emphasis on church buildings is the case of Harbour Grace. John Leigh explained the problem:

The poor in this country are miserably off for sittings in the established Church, no one scarcely in this Harbour can or do (sic) to Church, but such as can afford to give 2 pounds, 3 pounds or 4 pounds for a pew. There are no open seats for the poor; consequently, few go--but surely those are the very people who need instruction the most.<sup>1</sup>

1. Ibid., Folio 239, No. 335, Harbour Grace, Sept. 4, 1820. John Leigh.

He felt this situation was unfortunate as the poor were "generally most zealous" and some of the wealthier that did have pews, did not always use them. In order to pay for the churches, it was necessary to enlist the aid of the wealthy, and this was done at the cost of alienating the poor. This pattern was repeated in many places over the island and left a vacuum, which the Methodists and Roman Catholics were to fill.

At the same time as this strain was placed upon them, the settlements were expected to contribute to the missionary's salary. This again emphasized the rifts between economic classes and caught up the clergyman in the class conflict. Since very little money circulated, the people made contributions to the missionary by leaving a certain amount in their accounts for him at the merchant's store when they settled their accounts for the year.<sup>1</sup> One of the missionaries explained the problems rising out of such an arrangement:

1. Ibid., Folio 230, No. 197, July 9, 1812, Rev. L. A. Anspach.

This /the system of giving credit at the merchant's/ renders the clergyman entirely at the mercy of sometimes not the most liberal, but frequently the most captious men in the world--if by chance you offend one. however unintentionally, he resents it by not stopping (as it is used) anything for you from his dealers...If again, you are very friendly with one merchant, you probably get the illwill of another, party spirit runs so high. If you pity the planters, the merchants are shy--and if you support the merchant, the planter says, well, let them maintain him.<sup>1</sup>

It might be wondered why the missionaries did not attempt to avoid placing themselves in such an invidious situation, but there was really no alternative. If they asked for money, rather than goods at the store of the merchant, he would tell the planter that he would not keep an account for the missionary, and that the planter could pay him himself. Since the planter had no ready cash, the missionary would gain nothing.<sup>2</sup> Rev. Thomas Laugharne pointed out that the cost of provisions in Twillingate was much higher than at St. John's. A barrel of pork costing 4 pounds and 10 shillings in St. John's was 6 pounds and 6 shillings in the

1. Ibid., Folio 332, No. 336, Jan. 15, 1821, Rev. John Leigh.
2. Ibid., No. 338, July 18, 1821, Rev. John Leigh.

outport, while molasses, which was 1 shilling 6 pence per gallon in St. John's, was 4 shillings. However, the missionaries did not dare deal directly with St. John's for the merchants would not make any collection for them in the fall.<sup>1</sup> The missionaries had to retain the good will of the merchants in order to survive, even at the cost of displeasing the planters, who would not support them, and so they could not help but become partisans in the economic strife of the communities where they served.

Since the missionary was one of the few persons of education in a settlement, he was often persuaded to serve as a magistrate, and this circumstance increased the pressures on him by the different class interests. Neither the society, nor the government, nor frequently the clergyman himself approved of combining judicial and religious functions,<sup>2</sup> but often his financial problems forced him into this dual role. The Rev. L. A. Anspach seemed to feel that his duties as magistrate would improve his position in the eyes

1. Ibid., Folio 240, No. 354, July 7, 1821, Twillingate, Rev. Thomas Laugharne.
2. Ibid., Folio 252, No. 107, Oct. 28, 1825, Twillingate, Rev. John Chapman.

of the people. He hoped to use the magistracy to further the interests of the church by putting an end to improper marriages, but in most cases the church's interest suffered.<sup>1</sup> A glaring example of a missionary trying to carry too many responsibilities and so fulfilling none well, was the Rev. John Clinch of Trinity. He was a full-time apothecary and surgeon, the magistrate, the customs and port inspector, the Collector of Greenwich Hospital dues and held other positions from time to time.<sup>2</sup> It is not surprising that the Methodists made great inroads during his tenure. The greatest problem, though, which worried the governors, was the missionaries' lack of financial independence from the merchants, as their judgments could not be impartial.

As well as sometimes serving in a judicial function, the S.P.G. clergy were also deeply involved in education, but this area will be dealt with in detail in the succeeding chapter. In addition, they frequently found themselves in the role of informal relief and welfare officers of the crown,

1. Ibid., Folio 230, No. 182, Oct. 25, 1802.

2. Ibid., Folio 447, Jan. 5, 1819, George Skelton, J.P.

not only apprizing the government of local needs, but being placed in charge of the distribution of relief. Archdeacon Coster of Bonavista, who also served as a magistrate, handled both of these functions.<sup>1</sup> Many of the petitions sent to the government in poor seasons such as 1833, came from the clergy, and their names were usually on the relief committees.

Obviously, the missionary's role was a varied and complex one. Therefore, it is important to try and determine the relation of the various groups to the church, and with what social philosophy the missionaries attempted to fulfill their varied roles in the community.

The merchant class generally supported the S.P.G. missionaries, aided them in their collections, allowed them the use of their homes on visits, and gave financial assistance. In some cases the church's usefulness had to be proved to some of the English firms trading in Newfoundland as they desired only profit and did not wish to make any social investment in the country.<sup>2</sup> However, most

1. Colonial Records 1825, Correspondence with Governor Cochrane from Oct. 11 to Oct. 18, 1825.
2. S.P.G.F.P., "C" Series, Mas. Canada Dio. Nova Scotia, Box 1A/18, Folio 226, No. 156.

merchants seemed to feel that the church was a valuable institution. The reasons for this varied. Some, undoubtedly, sincerely believed in the religious teaching of the church. Some supported it from nationalistic or denominational pride, not because they believed it, but because they disliked the other denominations so intensely.<sup>1</sup>

George Skelton, J. P. for Trinity, gives the particulars of a case, known personally to him, of a merchant, although an unbeliever, who supported the church purely for financial reasons. The man reasoned that with increased spending available to the planters (because of high war prices), he would stock fine clothing to sell to the fishermen's wives:

To wear this in her wretched hovel would have been the height of folly and extravagance; it was therefore necessary that the building of churches should be encouraged, with the avowed object, that it would give the fishermen's wives and daughters an opportunity of wearing their fine clothes, which otherwise they would have no opportunity of doing, and this would enrich the merchant.

This man had been instrumental in helping build churches in the out-ports near Trinity, and had

1. Ibid., Folio 447, Jan. 5, 1819, Trinity, George Skelton, J. P.

even composed a sermon to be delivered at the opening of one.<sup>1</sup>

As the various denominations tried to establish their institutions more firmly, there was a tendency on the part of the groups seeking political power to use religious loyalty for political ends. In the case of the Anglicans, an alliance between the wealthy classes and the church seemed to be cemented during the time of Bishop Spencer. Prior to this appointment, the church had been losing ground to both the Methodists and the Roman Catholics. In 1837, there were still only nine missionaries, supported to a large extent by S.P.G. funds. Even the bishop admitted that the Roman Catholic Church was better organized and had better plans for church extension than did the Church of England.<sup>2</sup>

When Bishop Spencer arrived, in 1838, he was horrified to find that the Established Church did not seem to hold a very privileged position in the colony. In fact, he even professed to believe that

1. Ibid.

2. S.P.G.F.P., "C" Series, Mas. Canada Dio. Nova Scotia, Aug. 24, 1842, Bishop Aubrey Spencer.

the Catholic influence predominated in the government and he was much displeased with the large grant of land that the Catholics had received for their cathedral.<sup>1</sup> At the same time, the merchants were fighting to control the popular assembly and it is not surprising that a bishop, firmly opposed to Catholic influence in politics, was able to organize much greater support for the church in this period.

The correspondence between the local church and head office is somewhat misleading in regard to the amount of support actually received in Newfoundland. The object of most of the letters was to receive more S.P.G. funds and, therefore, a gloomy picture was painted of the financial situation. However, an examination of the figures reveals a great increase of support in Newfoundland. In 1837, the S.P.G. paid out 2,500 pounds for ten missionaries and 200 pounds to build churches. In 1840, they gave 400 pounds to build churches, but they had given nothing in 1838 or 1839. In 1842, the Society gave 3,164 pounds for twenty-two missionaries, although there were 25 in the island, and 400 pounds to build churches. This meant that whereas in 1837, the

1. Ibid.

Society bore an average cost of 256 pounds per man, their expenditure was down to 144 pounds per missionary in 1841, and three others were entirely supported by Newfoundland. As well, there were 57 churches or chapel school houses completed during the same period, and the major cost of these was borne by the congregations in Newfoundland. The bishop, himself, acknowledged that the increase in revenue came from the S.P.G. and from "reiterated Appeals to the wealthier members of our communion."<sup>1</sup> In Port-de-Grave, just three people contributed 100 pounds to the missionary's salary. William Slade of Slade, Elson & Sons, alone contributed to the building of five churches and gave 700 pounds to complete a tower and steeple at Twillingate.<sup>2</sup>

The bishop tried to make the support of the church more broad-based by establishing a Diocesan Church Society in 1842, which was to include every Church of England family as annual contributors, but this society had yet to prove its worth. The

1. Ibid.

2. Ibid., Aug. 7, 1843, Bishop A. Spencer.

Church of England establishment was supported by the funds of the wealthy few. Since the Roman Catholics had organized themselves politically, it appears probable that the merchants increased their support of the church in this period for political reasons. Certainly the bishop made his position towards Catholic political power quite plain.<sup>1</sup>

Religion was also an instrument of commercial competition used by the merchants to gain the loyalty of the planters. The editorial in the Carbonear Sentinel, Jan. 5, 1837, decried the change from earlier years, since the merchant now asked the religion of the planter and vice-versa. The Patriot, Aug. 4, 1835, mentions the practices of "Methodist ships" at the seal fishery as compared to Roman Catholic and Church of England ships, indicating that religious divisions affected even the selection of crews.

Of course, not all Protestant merchants supported the Church of England. Some of them were Methodists, Presbyterians or Congregationalists and there is even mention of some Quakers at one

1. Ibid., Aug. 24, 1842.

time in the colony. There were other merchants who, although nominally Anglicans, objected to its teaching and practices, especially when these seemed to threaten their commercial dominance. This latter group were particularly opposed to strict Sabbatarianism which interfered with Sunday work. George Skelton of Trinity tells of one merchant who supported the building of churches in the out-harbours, but who tried in Trinity itself, to use his authority as a magistrate to make his employees work on Sunday.<sup>1</sup>

There was also early opposition to the clergy's involvement in education as the merchants feared that the more educated would not be so amenable to their control.<sup>2</sup> This attitude towards education will be discussed in more detail in the next chapter. This early resistance was gradually worn away by the arguments of other merchants and by the increased power of the church organization, and by the late 1830's there was not much overt dissent to the church.

1. Skelton, George, op. cit.
2. S.P.G., "C" Series, Box 1A/18, Folio 230, No. 190, Jan. 15, 1807, Anspach.

The planters' expectations concerning the church were quite different. They looked to it as virtually their only source of education in the early years. Frequently, the clergyman explained their needs to the government through petitions. In some cases, rather than being a law officer of the crown, the missionary was expected to be an intermediary in court between the planters and the merchant. An example of this was the letter to Rev. Laugharne of Twillingate from four fishermen, three of whom were illiterate:

As we entirely rely on your Honour to speak for us in Court to see us Justice in recovering our wages from Mr. Sims of Twillingate who will not pay us for working for him at the Fishery during last summer.

They said if he failed, they would starve.<sup>1</sup>

The church was virtually the only social institution in many of the small outports, so it was one means by which the planters might find a sense of social and religious fulfilment and purpose. That it did not serve this function for them very adequately is obvious from the numbers who turned to Methodism when they had the chance.

1. Ibid., Folio 240, No. 400, Jan. 15, 1824, Rev. Thomas G. Laugharne.

The position of the clergyman amidst this welter of conflicting opinions about his role was to some extent shaped by his own individual philosophy. However, there was a certain identity of outlook which they shared, gained to some extent from their background and training in England. They were trained in a class-conscious church, educated at exclusively Anglican institutions and generally did not come from the working classes.<sup>1</sup> It is not surprising, therefore, that many were prepared to accept and even promote class division in the teaching and practice of the church.

An obvious example of the clergy's tolerance of class division was in the matter of pew rents. In St. John's with a population of over 2,000 Protestants, there were 97 pews, but only 60 free seats for the poor. It was Governor Cochrane, who felt this ought to be changed, not the clergy. Archdeacon Coster felt that one of the ways for the S.P.G. to gain a "respectable footing" was to form

1. This is indicated by their applications for a position with the Society.

a group of catechists, trained in Newfoundland in three classes. The first class was to be much superior to the best of the Methodist preachers.<sup>1</sup> The division in education in St. John's between rich and poor was accepted without question except that the Church of England "system of religion should be taught exclusively".<sup>2</sup>

The theology espoused by the clergy was individualistic and ritualistic. The emphasis was completely on individual moral values, not social ones. The aims to be avoided were "strife, idleness, drunkenness, Impurity, Common Swearing and Sabbath breaking".<sup>3</sup> There was no mention made of relations between masters and servants, and very little of any social relation, but only of the common failings of the bulk of the people. Any exceptions to this were akin to Rev. Bridge's sermon in St. John's preached on the duty of passive obedience to government, where the current system was given religious sanction.<sup>4</sup>

1. S.P.G.F.P., "C" Series Mas., Folio 253, No. 126, Memorandum to Archdeacon Wix.
2. Ibid., No. 136, Dec. 18, 1826, Coster.
3. Ibid., Folio 230, No. 193, Nov. 29, 1809, Rev. L. A. Anspach.
4. The Patriot, Feb. 10, 1835.

The main stress seemed to be upon adhering strictly to the rituals of the church. Some almost seemed to think no form of marriage was better than an improper one. Emotional excess in any form was frowned upon. Aubrey Spencer, while still a missionary, wrote of the extempore preaching used by the Methodists as an "engine potent with the vulgar" and condemned it strongly. Instead, the missionaries and lay catechists used printed sermons from England.

Although the church sorely lacked enough missionaries for its work and was forced to use lay catechists and leaders in great numbers, yet the emphasis on church ritual made it a clerically-oriented institution. The lack of stress on the role of the lay person, made the church a very weak institution in places where there was no clergyman stationed and the weak authority of a lay reader could not compete with the fire and enthusiasm of early Methodist converts or with the authority of a Catholic priest.

The missionaries in their attitude towards the social issues of their time were fairly solidly

aligned with the propertied classes. For example, Archdeacon Coster's position regarding poor relief echoes that of Governor Cochrane. He felt that no one should receive relief except through a programme of winter works. His greatest concern about relief was its effect upon the people:

I suggest these things because of the danger which would necessarily arise from teaching a set of people so thoughtless and improvident as too many of them are to depend upon Government, or indeed upon anything but their own industry for the support of their necessities.<sup>1</sup>

In the year in which he wrote, there had been an extremely poor fishery, yet his only concern was to prevent the demoralizing effects of the "dole". The system which bred the necessity for it, he does not question.

The correspondence of Rev. H. Fitzgerald of Bonavista reveals the same lack of understanding of the people's situation.<sup>2</sup> He writes of how the store of Samson Mifflen was robbed twice in 1833, which was a very poor year for the fishery.

1. Colonail Records 1825, Coster to Cochrane, Oct. 15, 1825.
2. S/2/12 Letter, Books of the Colonial Secretary's Office, Rev. H. J. Fitzgerald, pp. 114-21.

What he found so shocking about the robberies was that items such as tobacco, pork, and butter were taken, "which were not absolutely necessary to the support of life". He then castigates the people for their lack of "gratitude to God or man for the wonderful goodness of Almighty providence in sending such plentiful relief as they have received this winter".

The situation in the fall had been so bad that fishermen with fish could not buy provisions with them. However, the fish were collected in return for relief distributions. When the bread from relief had run out, the people demanded that the fish be distributed. The committee in charge of relief distribution met and agreed to this, all except Rev. Fitzgerald:

I entered my protest, considering that the committee had no right to dispose of property belonging to Government, and that I ought in duty to oppose, rather than yeild to principles so contrary to God's word, and the welfare of Society, as those upon which these rebellious men were acting. When the men assembled next morning, I went among them and endeavoured to dissuade them from their nefarious proceeding; but finding that I prevailed nothing, I denounced the wrath of God upon their violence and wrong, and left them. The fish was soon distributed.1

1. Ibid., p. 118.

This same man went on to condemn the people for their open talk of killing the domestic animals of others. He felt that if they were really hungry, they could collect shell fish. He sympathized fully with the merchants not keeping any provisions in the harbour for the winter since they had no guarantee that they would be safe. With his complete loyalty towards the merchants' interests, it is not surprising that the people turned away from their spiritual counsellor and he roundly condemned them for their irreligious attitudes.<sup>1</sup> His solution was to increase law enforcement agencies in order to protect the "peaceable and well-disposed".

The proper response of the poor to their condition of life was described approvingly by Rev. William Bullock of Trinity:

The poor are exceedingly kind to each other, especially in cases of sickness or distress, and not withstanding they are sorely depressed in circumstances. They are very patient and peaceable in their conduct.<sup>2</sup>

They were expected to accept society as they found it, not challenge the system in any way and their docility was given the blessing of religion.

1. Ibid., p. 119.
2. S.P.G.F.P. Mss., "C" Series, Folio 247, No. 30, Nov. 30, 1826, Rev. William Bullock.

It is easy to understand how the Church of England could not serve as an instrument to lead or change Newfoundland Society in any significant way when their ministers used their religious authority to give sanction to the current social and economic system. They possessed the same essential outlook as the propertied classes, so that it was natural that the merchants would support them. The people who supported them were given no encouragement to question the basis of society, but to accept it as an ordinance of God. Those who turned away from the Anglican Church looked to the Methodist or Roman Catholic churches, or else remained without religious leadership of any kind.

The Methodist Movement in Newfoundland bred on the inadequacies of the Established Church just as it had in England. Originally, it was a reform wave within the church and the first Methodist clergyman was the S.P.G. missionary, Lawrence Coughlan in 1775. Eventually, however, as the Methodists became a separate group in England, they emerged as a separate entity in Newfoundland as well, and in 1785, became part of the parent British

Missionary Society. They were virtually without leadership or funds through the 1790's and made little progress. However, the structure of the Methodist Church in England was changed and a general Wesleyan Methodist Missionary Society was formed in 1817, which was a great aid to them.<sup>1</sup>

Generally, the Methodist preachers met with hostility and suspicion from the S.P.G. missionaries, who saw them as competitors rather than fellow workers. Archdeacon Coster felt very keenly the waste that religious competition entailed:

The very idea of two Protestant places of worship, and two Protestant teachers of religion, in any place along this coast, except the Capital is perfectly ridiculous; and it is a wanton waste of precious resources to employ them.<sup>2</sup>

Nevertheless, each group felt obliged to forward its own organization, in spite of such consequences. Their rivalry helped carry further the social cleavages already existing in the colony.

1. Parsons, J., The Origin and Growth of Newfoundland Methodism, p. 46.
2. S.P.G.F.P. Mss., "C" Series, Folio 253, No. 136, Dec. 18, 1826, Rev. Frederick Coster.

The Methodists appealed essentially to two groups. In places where there was no S.P.G. missionary, or where there was a poor one, like John Clinch of Trinity, they won the allegiance of the more religious, who preferred Methodism to nothing at all, or to badly led Church of England ministrations. The archdeacon admitted the strength of the Methodist appeal, when he wrote in one report that the Anglicans should act quickly in places without religious institutions or the Methodists would move in and win the best people. The Church of England would be left with only the remnant, who might be far more numerous, but who would lack genuine zeal.<sup>1</sup>

As well, the Methodists often drew on the poorer members of the community since they lacked the money to buy a pew in the Anglican Church, but were welcomed at the Methodist Assemblies free.<sup>2</sup> The Circuit Meeting minutes have many references to the extreme poverty of their congregations. It is obvious, for example, that the members in Quidi Vidi, Portugal Cove and Topsail were drawn

1. Ibid.

2. Ibid., Folio 240, No. 354, July 7, 1821, Rev. Thomas Laugharne.

from the poorer residents of those communities.<sup>1</sup>

The merchants met the original Methodist preacher, Coughlan, with hostility as he opposed their Sunday business. His successor, Balfour, found that while the merchants supported him, the people wanted another Methodist preacher.<sup>2</sup> The first merchants to support the movement in Newfoundland were converts from England, who gave it financial support and some social status.<sup>3</sup> It was, however, generally supported more by the more devout segment of the community, and won converts from the poorer rather than the richer class.

The missionaries were appointed in England, and as elsewhere in North America were itinerant. They tried to be financially independent of the merchants, but they found, like the S.P.G. clergy, that the poverty of the people precluded this.

1. Newfoundland District Wesleyan Methodist Church Minute Book 1829-50, (unpublished) Reports for Years 1832, 1834, 1839.
2. Parsons, op. cit., p. 25.
3. Ibid., p. 49.

In St. John's, which was a small church of only about one hundred members, they collected 263 pounds in 1832 in cash, and even the missionaries remarked on this liberality, but this was an exception.<sup>1</sup> Most of their congregations were unable to pay cash at all, but gave them part of their credit at the merchants, or else, fish. The missionaries attempted to avoid the financial straits of the S.P.G. clergy by setting up a depot to supply themselves with cheaper goods. However, when they were given fish, they still had to exchange it at the merchants, so they were unable to win financial independence from the merchants.<sup>2</sup>

The theology of the Methodist preachers was highly evangelistic. The emphasis was on the necessity for conversion and emotional out-pourings were encouraged as signs of the Spirit. Most of their preaching centred around this central theme. Although bitterly condemned by the Anglicans, the emotion-charged extempore preaching seemed to strike a responsive chord with many people.

1. Newfoundland District Minute Books, op. cit., List of Givings 1829-39.
2. Parsons, op. cit., p. 90.

Social doctrines were incidental as far as they were concerned, but their theology held an implicit social content all the same. It was highly individualistic, and each person alone was responsible for his state of grace. Poverty was a trial sent by God to test faith, and therefore was tacitly accepted as part of God's providence. For example, the missionary wrote of the people of Portugal Cove, "Their poverty is great but we trust that they are labouring to be rich in faith and heirs of everlasting life".<sup>1</sup>

Adherence to the practices of the church was regarded as very important. The people were expected to attend chapel both morning and evening on Sundays, as well as mid-week prayer and class meetings. These class meetings were lay-oriented, with lay-leaders and no doubt gave some sense of fulfilment to those who participated. There was no equivalent to them in the Anglican Church, where the emphasis was more on public worship and sacraments. As well, a very strict Sabbatarianism was regarded as one of the signs of holiness. This attitude was carried so far that when the seals came in on the ice on Sunday at Portugal Cove, after a very bad winter,

1. District Minute Book, Report for 1834.

not one of the Methodists went to catch them although both the Roman Catholics and Anglicans did. The preacher commended them on their growth in spiritual principles,<sup>1</sup> apparently feeling that this compensated for the lack of food in their stomachs.

Although the Methodist Church was more lay-oriented than the Anglican, it did not become a vehicle for social reform as it turned the people's attention away from their economic condition and concentrated on emotional and moral states, as suggested by the above illustration. Religious experience and growth in holiness were the only values worth seeking. However, it did assure future returns as one sermon topic used frequently by William Marshall suggests, "Godliness is profitable for all things".<sup>2</sup>

" The Methodists began schools in some areas, but their greatest influence in education was perhaps to stimulate the Anglicans into much greater activity, as they felt it was an instrument of conversion.<sup>3</sup>

1. Ibid.

2. Journal of William Marshall, 1838-42, Unpublished Manuscript, United Church Archives, St. John's, Aug. 14, 1841.

3. S.P.G.F.P. Mss. "C" Series, Folio 243, No. 2, Jan. 24, 1821, Rev. Aubrey Spencer.

Their attitude towards the merchants and the problem of class division is more difficult to determine as their letters home were mainly about "spiritual" matters. Their lack of interest in these areas underlines the fact that their leadership caused the people to channel their energies into religious emotionalism and pietism, and to regard their social problems as "evils sent to try them". The merchants naturally could not help but approve of the social consequences of Methodism as there was no danger of their challenging the economic or social system.

The relation of the Roman Catholic Church to Newfoundland society was, in many ways, different from that of either of the Protestant groups. The first Catholic priest, Rev. James O'Donel, was appointed during the American Revolution in order to keep the Irish populace loyal. Apparently, he took this responsibility quite seriously, for when the garrison, infected by the United Irish Movement, was prepared to revolt in 1799, he informed the Governor and the uprising was quelled. He was prepared to accept the British Government's terms in exchange for the chance to carry on a Catholic mission.<sup>1</sup> He even felt justified in applying for a pension from the Crown, because of his proven loyalty.

However, although the British governors were prepared to use Roman Catholic priests for the sake of civil order, they did not really trust their influence, and tried to

1. C.O. 194/44, Gambier/Liverpool, Oct. 24, 1804.

offset it through such means as education. Even Gower, who was more open-minded than most, feared them:

Notwithstanding the expediency of a free toleration of the Roman Catholic religion in Newfoundland and the attachment of its ministers to the Government, yet the active zeal which is generally found in the Romish clergy requires that the utmost diligence should be used on the part of Government, to support the Established Religion, which I am sorry to observe is too little regarded, and the number of missionaries so small as to induce many to become converts to the Romish Faith. <sup>1</sup>

In spite of the veiled hostility of the Governors, the mission was maintained, but it did not prosper to any extent. O'Donel brought only two priests with him, and for several years after, there were only three. The church authorities seemed to feel that the situation would be improved by creating a Newfoundland diocese, and James O'Donel, formerly a Vicar Apostolic, subject directly to Rome, became the first bishop. This elevation, of course, gave him the authority to confirm church members and consecrate priests, making the work of church extension much simpler.

The second bishop, Dr. Lambert, had only a short prelacy and was succeeded by Dr. Scallan. Bishop Fleming, who succeeded Scallan, said, in a private letter concerning him, "in the church there existed no prelate whose heart responded more earnestly to the call of religion than Dr. Scallan".<sup>2</sup> This was high praise from a man who disagreed so deeply with his policies. Respect for Dr. Scallan was

1. C.O. 194/45, Gower/Liverpool Report for 1806. p. 38.
2. The Patriot, Tues. Jan. 13, 1835, A private letter, Sept. 24, 1834, to Rev. John Spratt, was published in the Dublin Freeman's Journal, and then reprinted by the Patriot.

fairly universal in the colony, being shared by Protestants and Catholics.

Governor Cochrane was prepared to use the bishop's known moderation and liberality for his own purposes. He wished to appoint him to the Executive Council, finding a precedent for this action in Quebec. He felt that since he held such great influence with the Catholics, his presence on the Council would make it appear that he endorsed its policies and so make them more palatable to the Catholic population.<sup>1</sup> This request was turned down by the Colonial Office.

Although Scallan seemed to be a genuine moderate, his episcopate marks a certain watershed in Catholic-Protestant relations in the colony. Earlier, under O'Donel, according to Fleming, the Irish were bitterly divided among themselves over old Irish feuds. However, in this period, the only division which emerges clearly is an economic one. The wealthy Catholics in St. John's and elsewhere were fairly solidly arrayed with the wealthy Protestant merchants against the mass of the people who were Irish Catholic.

The debate over the possible incorporation of St. John's in 1826, illustrates this cleavage. There were two groups of merchants with plans for some form of council for St. John's. However, both groups seemed to be agreed on a property franchise, of either greater or lesser amount,

1. Despatches to the Secretary of State 1825-26, Cochrane/Bathurst, Despatch 11, Dec. 29, 1825.

which would have effectively excluded the Roman Catholic mass of the population. Patrick Kough and Timothy Hogan, to mention only two of the leading Catholic merchants, advocated the higher franchise.<sup>1</sup>

Bishop Fleming spoke quite harshly against this alliance as events in Ireland were creating a new atmosphere for Irish Catholicism. The British government had tried very hard to win the support of the Irish Catholic bishops for the Act of Union in 1800. For example, when candidates for the Irish priesthood were prevented from completing their studies in France because of the French Revolution, the English established a seminary for them at Maynooth in Ireland. The government hoped through this institution to gain their loyalty. Also, political concessions were promised to them in return for their cooperation. As a result, the church hierarchy did not support the United Irishmen in Ireland any better than O'Donel did in St. John's.

However, in the 1820's, Daniel O'Connell succeeded in uniting the mass of Irishmen behind the campaign for Emancipation. Popular support was so great that the church hierarchy could not help but support the campaign. Its success was a tremendous psychological victory for Irishmen everywhere, for it had been won by the efforts of the people themselves.<sup>2</sup>

1. Despatches to the Secretary of State, No. 17, Cochrane/Bathurst, May 27, 1826.
2. Inglis, Brian, The Story of Ireland, Faber & Faber, London, 1956, p. 187.

Success in this one area caused several other Catholic causes to be taken up as well. During the 1830's, a great struggle was waged against the paying of tithes to the Protestant Established Church. During this time, the Irish rejected decisively, the type of public education for the poor established by the Kildare Place Society in 1811. It was supposed to avoid proselytizing, but O'Connell condemned it on these grounds, and it soon collapsed. An Irish Education Bill, passed in 1831, which was also supposed to provide a rigidly non-denominational school system, proved equally unsatisfactory to the Catholic populace. These National Schools continued for some years, but were eventually replaced by denominational schools.

The Irish clergy, which had been lukewarm at first, were enthusiastic supporters of all these movements. The priests in this period were drawn from the lower classes, and Maynooth became a breeding ground for politically-minded clergy who were very conscious of the wrongs of the people of Ireland.<sup>1</sup> Maynooth later fell more under the control of the English and the clergy disassociated themselves from the nationalist movements in Ireland, but in this period, there was a close connection.

The effect of these events in Newfoundland is very evident. Bishop Mullock<sup>2</sup> illustrated the changed mood, when he condemned Scallan for being far too conciliatory,

1. Ibid., p. 193.

2. Dr. John Mullock, successor to Dr. Fleming, arrived as coadjutor bishop in the colony in 1848.

excusing his actions by saying that they must have been caused by a brain injury. He mentioned that Scallan had even gone so far as to attend a public service of thanksgiving, at which prayers were given by the Anglican bishop of Nova Scotia. Bishop Mullock felt conciliation in his own era would not only have been "injudicious", but if carried too far, injurious to religion.<sup>1</sup> In fact, Anglican and Roman Catholic bishops did not join in public worship again in Newfoundland until the 1960's, when the Roman Catholic Archbishop attended the service of elevation for the new Anglican prelate.

It was Bishop Fleming who actually led the struggle to emancipate Catholics here, and encouraged them to use their political power. He was a great admirer of O'Connell and was inspired by his struggle in Ireland.<sup>2</sup> He explained his position to the Catholic Society of Ireland as follows:

The violence of the enemies of the Catholic religion had made its ministers politicians, and in no place was that violence more insulting than in Newfoundland...Under such circumstances, is it not the bounden duty of the Catholic bishop of Newfoundland to vindicate the cause of religion and to exercise his influence in procuring equal laws and equal justice for his people? 3

For Dr. Fleming, then, his religious mission was to attempt to forge a new relation between church and state.

In 1830, when he succeeded to the episcopate, the Roman Church in Newfoundland, obviously was suffering

1. Howley, Rt. Rev. M. F., Ecclesiastical History of Newfoundland, Boston, Doyle & Whittle, 1888, p. 260.
2. Monthly Intelligence, Dublin Freeman's Journal, March 1835, /date written in ink/Basilica Archives, St. John's, p.LXXX.
3. Weekly Orthodox Journal, Oct. 29, 1836 /date written in ink/Basilica Archives, p. 282.

from under-organization and lack of funds. The bishop felt that the priests sent from Ireland were often misfits. There were only seven priests in the whole colony, and he described two as dying, one as mentally ill, and one as no good.<sup>1</sup> As an institution the church did not command the first loyalty of the wealthier Catholics. He speaks many times of the struggle he had to recall them to their first allegiance:

A Clique of nominal Catholics, who had acquired wealth, threw off the restraint of religion or respect for its ministers, and chose rather to scoff with its enemies, that they might be permitted to associate with them.<sup>2</sup>

One of the ways in which the Catholic "gentry" illustrated their open-mindedness was by attending mass in the morning and the Church of England service in the evening. Even Anspach mentions this custom. As well, according to Fleming, the Catholic young women sought marriage among the Protestant group since they were more socially esteemed. The issue, however, became more serious in the struggle for political control of the colony, after representative government was granted in 1833.

The bishop felt obliged to support the Liberal candidates, since he felt that they would represent the interests of the people. He did not hesitate to use his religious authority to achieve this end, since he believed

1. Letters on the State of Religion in Newfoundland, Rt. Rev. Dr. Fleming, Dublin, published by Jas. Duffy, Basilica Archives, Letter I, p. 6.
2. Weekly Orthodox Journal, Oct. 29, 1836. /date written in ink/ Basilica Archives, p. 282.

that he was acting on behalf of the people. Because of this action, he became involved in the heated political controversy of the times, as the merchant opposition did their best to discredit him. However, by involving religious passion, they only drove the Catholics to stronger support of him, and placed the Catholic merchants in the position of having to choose between religion and class affiliation.

In the by-election between Carson and Timothy Hogan in St. John's, the bishop supported Carson. Although Hogan was a Catholic, he was a very wealthy merchant. After his house was mobbed by a group of his angry co-religionists, he decided to withdraw, rather unwillingly, from the struggle. The tension increased so much that by 1835, Roman Catholics were afraid to continue to subscribe to the Public Ledger, even though it was the leading mercantile newspaper, and published public notices that they were cancelling their subscriptions.<sup>1</sup> However the richer element might feel privately, they were obliged to join with their co-religionists, in order to save themselves from actual physical violence. Their opposition continued, but it was not too overt, and they were unable to challenge Fleming's control of the Catholic people generally.

Political and economic leadership, then, was to some extent, separate for the Roman Catholics, since it was not the wealthiest who led, but radicals like William Carson

1. Patriot, Feb. 24, 1835.

and John Kent, with whom the clergy aligned themselves. John Kent reveals clearly the new mood of Catholicism, when he explained his purposes in seeking political power in the Newfoundlander:

First, because you/Winton/ and your party, if you had the power, would exclude every Catholic from being a member; secondly, because a decided majority of the House will be protestant; thirdly, because the Council is exclusively protestant; and fourthly, because every situation of trust and emolument over the island, Government patronage of every description, and in all its gradations, is bestowed on Protestants. These are no mean reasons for Catholics to desire to possess some weight in the body politic. Pride, as well as interest, conspire to induce them to unite-pride in order to crush the monstrous egotism of that party who consider it insolence on the part of a Catholic to aim at political importance; and interest, in order to have themselves fairly represented ....The cant about 'religious peace and harmony' will not do;-the harmony was merely produced by passiveness. When, owing to our not being able to obtain any political elevation, we were quiet, our quietism was lauded; but when any distinction is obtainable, it is 'presumption' on the part of Catholic to sigh after it.<sup>1</sup>

These were brave words, but it was not a simple matter to gain independence of political action, when the majority of the people were under the economic control of the wealthy merchants. Bishop Fleming spoke of the opposition of the merchants to the missionaries, since they did not wish anyone but themselves to have influence among the people.<sup>2</sup>

The most violent merchant opposition was directed against the person of Dr. Fleming himself. His active support of the liberals seemed to raise almost hysterical

1. Newfoundlander, October 11, 1832.
2. London and Dublin Weekly Orthodox Journal, Dr. Michael Fleming, Letter III, Sept. 3, 1836.

fears on the part of the mercantile community about a Catholic attempt to control the island.<sup>1</sup> He alone was blamed for all the Irish unrest, not the general depressed social and economic condition of the Irish, or their background experience of political violence and intimidation, so much a part of the political scene in Ireland. Governor Prescott in one of his despatches reflects these general feelings of hostility:

The spirit of Party, and especially of religious party, is very strong at this moment...We have unfortunately an illeterate and vulgar Roman Catholic Bishop, whose dependent clergy, being principally of his own choice, too closely resemble him in character.<sup>2</sup>

According to Richard Bonnycastle, an independent observer of the Newfoundland scene in the 1840's, although Bishop Fleming may have been ambitious and bigoted in his pursuit of political power, and his priests fiercely nationalistic and poorly educated, yet he had been "much maligned and most injudiciously treated by the underlings of the government who had discussed him with undisguised contempt in newspaper articles".<sup>3</sup>

Financially, the Catholic Church could afford more independence of action than either the Anglicans or Methodists. They received a grant from Rome to support

1. Public Ledger, Sept. 21, 1832, Dec. 10, 1833.
2. C.O. 194/90, Prescott to Aberdeen, Feb. 16, 1835.
3. Gertrude Gunn, The Political History of Newfoundland, p. 81.

priests in five separate districts, as well as an episcopal grant. However, Fleming found the need for priests so great, that he increased the districts and divided the money between them. He used his own grant to establish extra curates in St. John's and his own private funds to support the Presentation Sisters. Every cent he had was put into church extension, even to the extent of cutting his servants to one man; his stable was reduced to one horse, and he was forced to limit his hospitality.<sup>1</sup>

The bishop had been accustomed to receive "stoppages" from the fishermen just as the Anglicans and Methodists did, but when the merchant party tried to use this to pressure him into obeying them, he gave them up and relied entirely on voluntary givings.<sup>2</sup> In some harbours, the people were so poor that they could not contribute anything towards church construction. However, in most cases, they helped provide material and labour. They supported the priest in some areas, not through stoppages, but through bringing their quintals of fish to a central depot where they were disposed of all at once. An additional source of revenue was from appeals to the Irish church and Dr. Fleming made several of these during his episcopate<sup>3</sup>.

1. Patriot, Sept. 24, 1834.

2. The Newfoundlander, Oct. 11, 1832.

3. Patriot, Jan. 13, 1835.

Since the Catholic Church, to some extent, was financially independent of the merchants, its clergy were much freer to advocate the interests of the poor. Bishop Fleming made his position quite explicit on this point, clearly drawing on Irish experience:

It is the poor, and the poor alone, who stood by us in the worst of times. They are our chief support. Religion is based upon them. We must rise or fall with the poor. I must then on all occasions, identify myself with their interests.<sup>1</sup>

Although their political connections were quite different, the Catholic Church shared with the Protestants some common social teaching. Their attitudes towards education and welfare will be dealt with in more detail in the next chapters. The Catholics, too, advocated a fairly strict Sabbatarianism, although not as much so as the Methodists, and found that this brought them into conflict with the merchants. They advocated that only "works of necessity",<sup>2</sup> such as taking bait on Sunday evening for the employer, be performed. Dancing and drinking were strictly forbidden. The day ought to be spent on the employer's premises looking after his property once mass was over. Religious teaching and practical necessity were combined.

The church expanded greatly in Fleming's episcopate, growing from seven priests in five districts in 1830 to

1. Newfoundlander, Sept. 20, 1832.

2. Patriot, Aug. 4, 1835. Report of a priest's sermon.

twenty-four priests in fifteen districts by 1844. There was no daily mass said anywhere on the island in 1830, but by 1844, mass was celebrated in nineteen different places daily and in thirty-five different places on Sundays with the people coming from the nearby coves. In 1836, the bishop refused to pay the special tax imposed on Catholics for marriage and burial privileges and this made it possible for many more people to avail themselves of the rites of the church.

Although it has been argued that the Catholics settled mainly in the Avalon peninsula, and in St. Mary's and Placentia Bays, the evidence of the time suggests not so much selective settlement, but large numbers of Catholic conversions in those areas. The Anglicans made several references to the need for a Church of England missionary in the Ferryland area, in order to keep the people Protestant, but there were not the resources to appoint one.<sup>1</sup> Bishop Fleming, during his visitation to the south coast, gives the figures for just that one trip. At Renew's, 140 were confirmed, a large proportion of whom were converts. In Burin, he confirmed 96, of this number, 36 heads of families were converts. In the Harbour of Great St. Lawrence he confirmed 65, "a majority of whom were converts and the children of converts". In Placentia, "several of the most

1. SPG "C" Mss., Folio 265, Sept. 29, 1834, Rev. C. J. Shreve.

respectable inhabitants" were converts. At Meracheen, 25 people were converts out of 86 confirmed.<sup>1</sup>

Although these areas came to be fairly solidly Catholic it is clear from references in both Catholic and Anglican papers, that many were won over from the lack of their own religious institutions. The same was true of Methodist converts further north. The religious needs of the people were so great, that the confessional barriers were of little consequence to them, and the first church to offer them religious ministrations won their allegiance. Later, of course, denominational rivalry encouraged rigidity and erected barriers between different groups, even within the same settlement, but at this time, primary religious needs came first.

There is not sufficient Catholic material available to give the same detailed study of the Catholic priests' relations within the communities they served, as was the case with the S.P.G. missionaries. Virtually the only source is the writing of Dr. Fleming.<sup>2</sup> He was not satisfied in many cases with the calibre of the priests, feeling that some were misfits from Ireland, so it appears that he and Bishop Spencer shared a similar recruiting problem.

Although it is possible to generalize about the

1. Orthodox Journal, Issues from July 28, 1836 to Sept. 10, 1836, Letters I, II, III, IV, Dr. Fleming to Rev. J. Spratt.
2. Apparently most of the early records were destroyed by the St. John's fire.

general attitudes of the clergy, there were certainly some who rose above the religious and class divisions in their communities and were regarded as leaders by all. One of these would seem to be Rev. Ewer of Harbour Grace. There is no record of any animosity against him. He founded several institutions to help the people such as a Benevolent Irish Society and St. Patrick's Free School. At his death, there seemed to be general grief.<sup>1</sup> Such men as these were found in all the churches who could not be classified in any neat religious pattern.

All the churches had eventually to come to terms with the merchant controlled society in which they found themselves. The Church of England was actively allied with the ruling class; the Methodists were not much more than tolerated, but the Roman Catholic church at first challenged the system on behalf of the Irish dispossessed. Religion became a political tool used by both Tories and Liberals and served to widen the gulf between the economic classes. The Anglican and Methodist fishermen were encouraged to accept the current system of values, which was giving the blessing of religion and religious passion was invoked to keep them from uniting with the Irish Catholic fishermen. The Methodists were castigated in one election for not supporting the Protestant group more strongly against the "Papists".

1. Harbour Grace and Carbonear Weekly Journal, Thurs.  
February 12, 1829.

The challenge to the Protestant merchants' dominance of Newfoundland society by a church inspired by the heady success of Emancipation in Ireland could not be indefinitely postponed. When the merchants tried to do this, the result was stalemate between the House of Assembly and the Legislative Council, and election riots in the country at large.

The alliance between the Roman Catholic leaders and the Liberals to gain responsible government for the colony is dealt with in detail in Gertrude Gunn's Political History of Newfoundland.<sup>1</sup> This alliance made the Liberal Party the dominant one from 1855 until 1861. However in June of 1861, when the government did not honour its agreement to purchase a steamship for the outports, Bishop Mullock condemned the government of John Kent for its failure to correct the crying social needs of Newfoundland:

How does it happen that an enormous revenue, wasted in providing useless places for State paupers, cannot afford the sum of 3,000 pounds a year for outport accomodation? Year by year every improvement is put off for want of means, though every infant in Newfoundland pays in taxes 1 pound a head. Will strangers believe that in a British Colony the shire town of Fortune Bay is in reality further from us than Constantinople? But then we have the satisfaction of seeing thousands and thousands of pounds distributed among our locust-like officials. We pay heavy taxes, but get comparatively no return; almost all goes in salaries and pretended compensations, and I have no hesitation in saying that the collection of a revenue under the present system is nothing but legalized robbery. I am aware that my name has been made use

1. Chapter 9.

of to prop up the supporters of this system, but I consider it due to myself, and to those whose interests I advocate, to repudiate any connection with a party who take care of themselves, but do nothing for the people. This is not a political or religious question, it is one of civilization, in which Catholics and Protestants, priests and ministers, are equally interested.<sup>1</sup>

He also made his position quite clear concerning the distribution of poor relief as a political weapon:

...the members in a great measure were chosen only as the representative-beggars of a set of paupers, and he who could get the most flour was the best member. The whole system was one of robbery and demoralization on all sides, for the distribution of Poor Relief among the idle and the improvident and for political purposes is the worst species of political robbery, for it not only debases the distributors (if anything could do that) but debases and demoralizes the recipients nearly to the level of the corruptors.<sup>2</sup>

This denunciation by Dr. Mullock was enough to shatter an already divided Liberal party. Apparently the bishop hoped to reform the party under episcopal patronage, but when he saw that the probable result of his efforts would be the election of the Protestant dominated party led by Hugh Hoyles, he hastened to support the Liberals once more.<sup>3</sup> Nevertheless, the party led by Hoyles did manage to form the government and a period of violence reflected the Catholics' fear of losing their positions and influence.

<sup>1</sup>Gunn, p. 155.

<sup>2</sup>Ibid., p. 158.

<sup>3</sup>Ibid., p. 161.

A final compromise was reached when a verbal agreement was made between the political leaders to allow each denomination their fair share of government offices and jobs.<sup>1</sup> Catholic Liberalism gave up any attempts to radically alter Newfoundland society once it was accommodated within the political power structure, and much later was even to cooperate with the merchants to destroy the Fisherman's Protective Union when it challenged the status quo. When Bishop Mullock chose to exercise influence within the political establishment rather than support anyone, regardless of his religion, who attempted to reform it, he tacitly supported a merchant controlled society. By the 1860's then, all the churches had come to terms with the merchantocracy in which they found themselves.

<sup>1</sup>Edward Moulton's thesis The Political History of Newfoundland, O.P.Cit., deals with this point in much more detail than Gertrude Gunn's work.

## CHAPTER FIVE

### The Development of Education

The beliefs and values which a man considers important he will try to pass on to his children. On a larger scale, the group or groups which control a society will usually attempt to pass on their central beliefs to the next generation. The study of the educational system, then, is a key method of discovering the goals and values of those who control any particular society. Since all the British North American colonies from Newfoundland to Upper Canada were struggling to develop their systems of education in the first half of the nineteenth century, a study of the developments in Newfoundland as compared with the other colonies ought to show clearly if the goals and structure of Newfoundland society differed from those of the other colonies.<sup>1</sup>

All the colonies were under the final authority of Britain in this period, but little initiative was to come from that quarter in educational matters, since providing for education was not considered a government responsibility in England itself. However, the English attitudes towards the whole subject had a very great influence on the colonies as these were the

1. This does not include Lower Canada, which had a separate development, due to French-English relations.

opinions of the colonial administrators, churchmen and colonists.

The growing public awareness in England of the need for a national system of education was fostered in the late eighteenth century by the rapid social changes caused by developing industry and by fear of the ideas of the French revolution.<sup>1</sup>

The purpose of such education was quite clear: to instill respect for the authority of religion, and then by that authority, teach the poor to accept their social condition.<sup>2</sup> This attitude was considered to be a very enlightened one for the period:

The more conservative preferred to keep the poor in ignorance, since knowledge might make them rebellious and difficult to manage. The more liberal believed that they might be permitted to read and learn a little if the content was rigidly controlled.<sup>3</sup>

The problem was who could be trusted to control the educational system to ensure that the right principles were being taught. The Established Church attempted to have all schools placed under the control of their parochial clergy, but this move was strongly resisted by the non-conformists. The House of Lords

1. Cloudesly, Brereton "Development of English National Education", Encyclopedia Britannica, 14th ed., Vol. 7, p. 979-988, 1937.
2. Phillips, Charles E. The Development of Education in Canada, W.J.Gage and Co. Ltd., Toronto, 1957, p.41.
3. Ibid.

in 1807 refused to allow a system of non-denominational schools to be established as they feared the results of an education of the poor which was not properly controlled by the church of England.<sup>1</sup>

As a result of the deadlock between the non-Conformists and the Anglicans, there were two national systems of education established. The National Society was established in 1811 "to promote the education of the poor in the principles of the Established Church" and, in 1814, the British and Foreign Bible Society, which used the Bible, but excluded denominational teaching, was started. The development of the rival Bell and Lancastrian monitorial systems in this period made the mass education of the poor seem financially possible for the first time.<sup>2</sup>

The motivation behind this system was philanthropic and paternalistic. The upper classes approved of the churches teaching the poor the proper social and religious attitudes. Not until 1832 did the British government supply public funds to assist in education,

1. Woodward, Sir Luwellyn. The Age of Reform 1815-1870, 2nd ed., Oxford at the Clarendon Press, 1962, p. 478.
2. Ibid., p. 475. By these plans, the older pupils were drilled mechanically and then taught the younger ones. It reduced the number of teachers needed.

and even then these attitudes persisted as the funds were given to these two Societies to administer. Only in 1870 was the basis laid for a national compulsory system of government controlled education.<sup>1</sup>

In each of the North American colonies a small influential clique, English in origin and Anglican in religion, dominated colonial life.<sup>2</sup> Their attitudes toward education were derived from their British background. Newfoundland was no exception to this generalization. Prior to 1800, there were virtually no schools in the island, and of the few there were, there is almost no information. They were either privately conducted by individuals or by the S. P. G. missionaries to help eke out their incomes.

The attitude of the merchant class concerning education of the poor reflected the same split between Liberal and Conservative thinking as in England. There were those who were indifferent or even hostile to education for the poor. Anspach, in one of his reports to the S. P. G. explains his difficulties in maintaining the school for the poor in Harbour Grace:

1. Ibid., p. 482-3.

2. Lower, A. R. M. Colony to Nation: A History of Canada, 3rd ed., Longmans, Green & Co., Toronto, 1957, p. 106.

...those whom alone I can look to for support of that Institution, are interested, in keeping the people in ignorance. It is a fact that...the Planters in this Bay who can read are in much better circumstances than those who cannot.<sup>1</sup>

George Skelton, the Justice of the Peace for Trinity, records it as a well known fact that merchants had liked to keep the people who were dependent on them in a state of ignorance. The merchants believed that the fishermen, who were able to read and write, were less likely to be imposed on. He also observed that by 1819, the time he was writing, this attitude was becoming obsolete.<sup>2</sup>

The more "liberal" attitude of the ruling class found its first expression under the leadership of Governor Gambier in 1804. In 1803, a Society for Improving the Condition of the poor was formed in Harbour Grace, apparently because of the efforts of Anspach.<sup>3</sup> A copy of the resolutions adopted were sent to Governor Gambier and he was so impressed, that he sponsored a similar society in St. John's after

1. S. P. G., "C" Series, Box 1A/18, Folio 230, No. 190, Jan. 15, 1807.
2. S. P. G., "C" Series, Folio 447, Jan. 5, 1819.
3. Anspach, Rev. L. A., A History of the Island of Newfoundland, 2nd ed., Sherwood, Gilbert and Piper, London, 1827, p. 228.

organizing merchant opinion behind the scheme. The main purpose of the society was to "improve the morals of the poorer class of the community" so they would not be a burden on its resources. The merchants were persuaded to support it through the suggestion that they would not have to contribute any money for relief if the poor could be made self-reliant through the efforts of the society.<sup>1</sup>

The next governor, Sir Erasmus Gower, extended the scope of the original charity school by enlarging both the idea and the building to include "relief to the indigent" and "gratuitous instruction to the young of both sexes, and teach them at the same time some resource of domestic industry, of which they are at present wholly ignorant".<sup>2</sup>

This first "school of industry" as it came to be called, was large enough to accommodate 400 children at once, with one man teacher for the boys and a lady teacher for the girls. The basic curriculum included such practical matters as the boys being taught how

1. C. O. 194, vol. 43. Report of Gambier for Year 1803, p. 175. Gambier to Liverpool.
2. C. O. 194, vol. 44, Nov. 19, 1804, p. 29. Gower to Liverpool.

to spin twine and make fish nets, while the girls were taught to spin wool and knit stockings and mitts.

Although the ostensible public purpose of such a school in Gower's own words was to improve public order by teaching "the lower orders...the habits of order and industry" yet it was also Gower's hope, shared by many of the merchants, that such a school would prove a weapon against the Catholics. He felt that its stress on the scriptures in its reading would turn many from Catholicism to the Established Church.<sup>1</sup>

Gambier and Gower were exceptions to the ordinary type of naval governor, taking a real interest in all phases of the colony's welfare. A more typical attitude seemed to be that of Sir Charles Hamilton who advised the colonial office in 1823 that the petition of Samuel Codner and other merchants asking for aid to educate the "lower classes" ought to be rejected. He felt that the two charity schools on the island were sufficient, and that the 40 pounds the government was granting for the schoolmaster, coupled with an additional 25 pounds to the schoolmaster at Harbour Grace, was all the support that should be expected from the government.<sup>2</sup>

1. Ibid., vol. 45, Annual Report for 1805, p. 38. Gower to Liverpool.
2. Despatches from the Governor of Newfoundland to the Secretary of State, 1822-25, No. 102, Jan. 18, 1823.

The great breakthrough in the Newfoundland educational scene came with the efforts of Samuel Codner. He was an advocate of the "liberal" attitude prevailing in England at the time, and as a merchant trading to Newfoundland was appalled to find such conditions of ignorance, where there were virtually no educational provisions of any kind. Being a man of both strength of character and great organizing ability, he was able to arouse the conscience of the propertied class in both Newfoundland and England, with the bulk of the funds and the support coming from England. On June 30, 1823, a meeting was held in a London tavern to establish the Society for Educating the Poor of Newfoundland.

Their stated purposes made it quite clear that their motivation was paternalistic and philanthropic, revealing the common approach in English society at the time. Their main argument ran as follows:

It was found in those parts where education was diffused, the lower orders were thoroughly improved—that they lived happier among themselves in contentment and good order towards the government...By giving them Bibles they were not only rendered more submissive to the will of God, but they were likewise more ready for obedience to the laws.<sup>1</sup>

1. Newfoundland School Society: Annual Reports, Vol. I, 1823-33. 1st Annual Report, June 30, 1823, p. 9.

Francis Forbes, the former Chief Justice of Newfoundland, who was one of the chief spokesmen at the meeting, argued that the only effective form of relief for the poor was education as it would make them both moral and industrious, and as a result, more religious. He also felt that men ought to be taught to write in order to deal with the merchants, but this idea was not emphasized.<sup>1</sup>

As well as being concerned with social stability, an additional motive for supporting the new project is found in the Memorial from the Newfoundland merchants.<sup>2</sup> They anticipated that the new schools would provide them with employees who would be educated enough to handle clerical responsibilities or to act as masters in the out-harbours. Native-born employees would no doubt be more permanent than those sent from England and less expensive, as well.

The new schools were to adopt the pattern of the National Society, using the Bell monitorial system. This would ensure that proper ideas were being taught at the lowest possible cost. It was felt necessary to insist that all the teachers must be members of the

1. Ibid., p. 14.

2. Despatches of Governor of Newfoundland to Secretary of State, 1822-25, No. 102, Jan. 18, 1823. Petition of merchants with a covering letter from Codner.

Established Church, yet in order to make the system acceptable to Roman Catholics, several concessions were made.<sup>1</sup> No particular catechism was to be taught, even though the Bible was to be the main text book. Once or twice a week, the Church of England children were to be instructed in the Catechism at a time when the attendance of the other children was voluntary, depending on their parents' wishes. In spite of their efforts to placate Roman Catholic feelings, it is easy to see why the Catholics were to be most skeptical of the impartiality of such a scheme.

The new society quickly gained support in both England and Newfoundland. The English contributors were organized in conjunction with the various dioceses of the Established Church. The Methodist national body contributed at first, believing that it would be a non-sectarian scheme. Even the British government, mainly through the efforts of Lord Liverpool, was prevailed upon to support it, giving 500 pounds for the building in St. John's and 100 pounds for the master.

The society began with one central school in St. John's, and had engaged one married couple and one other male teacher as the first masters.

1. Newfoundland School Society. Annual Report Vol. I,  
op. cit., p. 16.

By 1825, they had completed the school- a large stone building able to accommodate 400-500 children, and had enrolled 244 children. As well, schools were begun at Harbour Grace, Carbonear, Petty Harbour and Quidi Vidi. The curriculum was a mixture of bible reading and practical subjects. In Bonavista, for example, almost all the children were taught to read the Bible, particularly the Gospels, and to write on slates. A few were selected to write in copy books and be markers. The girls were taught to knit, a skill relatively unknown in that settlement previously, to sew and to plait straw. The older girls learned such refinements as needlework and actually had formed a sewing circle in one centre, while the older boys were mostly active in the fishery.<sup>1</sup>

The society decided to extend its operations to the mainland in 1828, becoming the Newfoundland and British North American Society for Educating the Poor. From this time on, Newfoundland became increasingly more of a side-line rather than the main area for their work, but even so, the rapid growth on the island continued. By 1831, the society had opened eight principal and nineteen branch schools. There were 34 teachers; 19 in the principal schools and 15 in the branches.

1. Ibid., 4th Annual Report, 1826-27, p. 236. Also, the 6th Annual Report, 1828-29, p. 403.

These Newfoundland School Society teachers injected a fresh influence into a community life. They were the 19th century equivalent of Peace Corps crusaders. Most of them chose to teach in Newfoundland from a sense of religious mission, for it was in these terms that the society appealed for workers.<sup>1</sup> Soon after they arrived, they often became social and religious leaders because of their superior education.<sup>2</sup> Another reason for their acceptance by the local population was probably the fact that their salaries were paid by the parent society, making them independent to a certain extent of local merchant control.

In the 1820's, it is quite clear from the writing of Archdeacon Coster and others that the Newfoundland School Society was independent of the local church authorities. He appeared to regard them as competition and only made token gestures of support toward them in order to keep them from forming an active alliance with other groups.<sup>3</sup> He wrote to the S.P.G. Society concerning this lack of control over the area of education:

1. See the annual Charity Sermons preached on behalf of the Society each year, and included in the Annual Reports.
2. There are many references through the Annual Reports as to the manner in which the teachers were received.
3. S.P.G. "C" Series, Folio 253, No. 132, Nov. 19, 1836.

The exceptionally small control which the church is able to exercise over the education of the young of any class in this island is particularly unfavourable to her interests. Our own little schools, tho' all that can be expected are too insignificant, and in the management of those which have lately sprung up we have little or nothing to do. Their teachers are jealous of our interference, lest they be suspected of deviating from the Liberal path marked out for them. Of course, we cannot look upon them as auxiliaries, though I believe them to be friends: and any services they render us will be only exactly the same as they render to others also. <sup>1</sup>

In spite of these early misgivings by the S.P.G. missionaries and their fears that the Newfoundland School Society was too much under the influence of the dissenters<sup>2</sup>, the society did not remain independent or non-sectarian for long. Since the school teachers were trained in the Bell system in England, they could not help but promote their belief in the superiority of the Established Church. They were all members of the Established Church and were almost inevitably drawn to fill the vacuum of religious leadership in the island. They were appointed lay readers: they taught catechism in the Sunday Schools,

1. Ibid., No. 136, Dec. 18, 1826.

2. Ibid., Folio 258, No. 5 and 8, Sept. 8, 1830.  
Letter from Archdeacon Wix.

and they were made the distributors for the British and Foreign Bible Society, the Prayer Book and Homily Society, the Tract Society and the Sunday School Society. Faced with the temptation to use their position to build up their own religious institutions, it is not surprising that the society became more and more self-consciously Anglican, in spite of its original professed intentions.

In reaction to this movement, both the Methodists and the Roman Catholics established their own schools in order to avoid the proselytising of their children in the name of education. All the clergy seemed to fear the exclusion of religion from the school just as much as they did the danger of proselytising. Archdeacon Coster's attitude is typical of them all when he wrote the following:

...her system of religion /the Established Church/ should be taught exclusively, but none forced to learn it against the wishes of their parents...I live in dread of a school being set up by some of a different persuasion in which the children of our Congregation would be liable to persuasion.<sup>1</sup>

In a situation where the religious leaders considered the teaching of correct doctrine to be the most important function of the school, it is

1. Ibid., No. 136, Dec. 18, 1826.

not surprising that they were willing to sacrifice their limited resources to set up exclusive school systems where this function would come first. The sectarian divisions of Great Britain were to be inherited by her colony.

After the appointment of Bishop Spenser, the Newfoundland School Society passed formally under his control as it had no reason to remain independent of the local church structure now that the other denominations had withdrawn their support. In 1842, the district missionary was given the authority to inspect and oversee the schools for the first time. A special project of Bishop Spenser was to organize the Anglican congregations into a Diocesan Church Society to support the direct union of church and education.<sup>1</sup> By 1843, the Rev. Thomas Bridge, both the Vicar-General and the Superintendent of the Newfoundland School Society, could declare that their schools were the "right hand of the church".<sup>2</sup>

The development of education under the auspices of the Anglican church with the tacit support of the governor and ruling class was a process which took

1. S.P.G. Annual Report. London, 1842. xlvii.

2. S.P.G. "C" Series, Box 23, Folio 276, Dec. 26, 1843.

place in all the colonies. Governor Simcoe and Bishop Strachan of Upper Canada can readily be compared to Governor Cochrane and Bishop Spenser in their attitudes towards education.<sup>1</sup> In all the colonies this Anglican attitude of exclusiveness was challenged by the other denominations, as it had been in England itself.

A real difference between Newfoundland and the other colonies can be found in the attitude of the ruling class concerning the education of its own members. The ruling oligarchy in the other colonies was most anxious to set up grammar schools and even universities to train their children for future leadership.<sup>2</sup> In Upper Canada, for example, there were numerous private grammar schools prior to 1800, and in 1807, the government passed a Public Schools Act, which provided 100 pounds each to masters of grammar schools, one in each of the eight districts of the province.<sup>3</sup> Grammar Schools were established in Nova Scotia in 1799, and before

1. Phillips, C. E., The Development of Education in Canada, op. cit., p. 104-5.
2. Ibid., p. 108.
3. Ibid., p. 66-67.

1790 in New Brunswick.

However, in Newfoundland, there were no grammar schools established in St. John's until the 1840's. In 1798, twenty-five of the chief merchants of St. John's had tried to establish a grammar school. However, it failed after only one year, apparently through lack of support and personality clashes with the Rev. Lewis Amadeus Anspach, the headmaster. There were some private schools and two small grammar schools in Harbour Grace and Carbonear, but the majority of the children were either sent abroad or else the family had stayed in England.

This lack of interest in education, even for the privileged few, was probably caused by the transitory nature of the ruling class. In the other colonies, they came prepared to stay and so were willing to invest in educational institutions.<sup>1</sup> In Newfoundland, however, even as late as 1844, Bishop Fleming could make the charge that in spite of the great number of merchants, English, Irish and Scottish, who had retired with fortunes from the island trade ranging from 20,000 pounds to 130,000 pounds, there had never been one single

1. Anspach, History of Newfoundland, op. cit., p. 228.

permanent endowment made for the education, the shelter or the support of the poor by anyone. <sup>1</sup>

He further claimed that these and similar merchant firms had made such endowments in English mercantile towns. Such endowments, especially of land, were known in the other colonies. This lack of identity with the colony's permanent needs meant that a public system would fail to emerge in Newfoundland and that the churches would be left in control by default.

Other denominations really established educational institutions on the island in reaction to the Anglican attempts to dominate them. The original impetus for Roman Catholic education came from the wealthy, liberally-minded Irish merchants who established the Benevolent Irish Society to aid needy fellow countrymen in 1806. This society was probably their response to the new Anglican-oriented School of Industry begun by Gower. Then, in 1823, the B.I.S., under the leadership of Patrick Morris, appeared to be stimulated by the activity of Codner and his supporters

1. Letters on the State of Religion in Newfoundland published by James Duffy, Dublin, 1844. Letter 3, Jan. 11, 1844, p. 17.

to launch its own school.<sup>1</sup>

In 1826, after a two-year struggle to obtain a suitable site from a reluctant government, the B.I.S. Orphan Asylum was established with a school attached to it. This was a purely local project with no outside funds, and apparently wishing to demonstrate their "liberality" and match the Newfoundland School Society, they declared that the school was to be open to all denominations and that no sectarian doctrine was to be taught. The curriculum included the subjects of Navigation, Book-keeping, English Grammar, Arithmetic, Reading, Writing and Spelling. The attendance averaged between 250 and 300 pupils, all male.<sup>2</sup>

However, in spite of the professed intentions of the B.I.S. members, the same conflict between the Catholicism of Bishop Fleming and the "liberalism" of the wealthy spilled over into the area of education. In order to understand the attitude of Bishop Fleming it is necessary to place him against his Irish background and the mood of world Catholicism in that period.

1. Benevolent Irish Society Centenary Volume 1806-1906. Grey and Co. Ltd., Cork, Ireland. Based on the original minutes, p. 10.
2. Ibid.

The English government had tried to suppress education in Ireland in order to dispel Catholic influence. In 1811, the Protestant Kildare Place Society had tried to fill the obvious educational vacuum by a compromise that would please both English and Irish.<sup>1</sup> Under this system, both Roman Catholic and Protestant Schools were placed on a common basis of having Bible reading without note or comment. This system pleased the English government and it extended government grants until 1833, when another organization was set up. However, the Roman Catholics became increasingly suspicious of the neutrality of such a system, when the ones choosing the textbooks were Anglicans, and in fact some of the material was slanted against Irish Nationalism and religion.

Irish protests became so vehement that in 1833 a new system of grant-aided elementary schools was established. They were placed under boards of commissioners who were nominated by the various denominations. The new compromise was to have Protestant and Catholic children combine for secular instruction and separate for religious instruction.

1. Green, Margaret M., "Historical Development of Irish Education", 14th ed., Encyclopedia Britannica, 1937, p. 990.

Bible extracts would still form part of the secular teaching, however.

Since the Catholics and Protestants were separated in fairly well defined districts in the island, this approach seemed like another attempt on the part of the English to unduly influence Irish children.<sup>1</sup> The system in practice gradually changed into a denominational one, but not before it had been formally condemned by the Vatican in 1846. The official position of the church was that non-sectarian religious instruction was dangerous to youth.<sup>2</sup> With this attitude, no sort of compromise could be worked out in a public system to provide for religious teaching so distinct Catholic schools emerged in all of the colonies.

Bishop Fleming was greatly influenced by his Irish background, and greatly mistrusted the sincerity of the Anglican intentions. As well, it was a part of his religious conviction that education should be under the control of the church. The rich Catholic

1. Woodward, L. The Age of Reform, op. cit., p. 351.

2. Green, Margaret, op. cit., p. 991.

merchants of St. John's in his eyes were sacrificing their church's interests in order to curry favor with the ruling Anglican clique.<sup>1</sup>

It soon became obvious that a secular school could not flourish long among people geared to denominational thinking. As soon as the new B.I.S. school opened, many Catholic parents in St. John's withdrew their children from the Newfoundland School Society Establishment and the School of Industry and enrolled them in the "Irish" school.<sup>2</sup> Even though the enrolment of the new school was exclusively Catholic, the B.I.S. merchants at first resisted the attempt of Bishop Fleming to gain control of religious instruction. He wished to arrange for the children to learn their catechism and then to publicly confirm them. However, the merchants' attempts to keep control of their school and resist the authority of Dr. Fleming failed for the reasons already outlined in the previous chapter. They attempted to place economic class interest before racial and religious

1. Newfoundland Patriot, Tues. Jan. 13, 1835.  
A letter reprinted from the Dublin Freemason's Journal, written to John Spratt by Bishop Fleming, Sept. 24, 1834.
2. Newfoundland School Society Annual Report.  
1827-28, p. 310.

ties and so alienated the majority of their fellow countrymen.<sup>1</sup> Finally, they were forced by public pressure from their religious compatriots to submit and the catechism and confirmation took place. Education for Roman Catholics was from this time firmly under the control of the church.

All further Catholic educational advance was directly fostered by the church mainly through the efforts of Bishop Fleming. In 1833, he arranged for a teaching order, the Presentation Sisters, to come and teach the daughters of the poor. His reasons were two-fold. He believed that with the amalgamation of the St. John's Charity School and the North American School Society Establishment in 1833, that opened rather than veiled proselytization was now their aim, and he wished to provide an adequate alternative Roman Catholic system. His second purpose was a social one. He wished to remove the girls from the influence of the boys as he felt that boys' exposure to the coarsening life on the docks in the summer made them bad companions. He hoped to use the teaching order to improve the moral tone of the community.<sup>2</sup>

1. See reference in previous chapter, pp. 131-4.
2. Fleming, Letters on State of Religion in Newfoundland, op. cit., p. 18.

In 1843, Bishop Fleming introduced the Order of the Sisters of Mercy. They were to teach the daughters of the wealthy and he hoped to strengthen the religious loyalty of the wealthy through their efforts.<sup>1</sup> Education was a weapon to increase the authority of the church over those who wished to put class ties first.

The main educational development in the 1820's and early 30's was the emergence of the separate Roman Catholic and Anglican systems, but the Methodists, although relatively few in number, had begun the same process as well. In the beginning, the Methodists had supported the Newfoundland School Society, but as it became more and more consciously Anglican, they withdrew and established their own schools wherever possible, out of fear of proselytization.<sup>2</sup>

The difference between the Methodist reaction in Newfoundland and the other colonies is quite striking. In Newfoundland, where they had little outside experience except the English to guide them,

1. Ibid., p. 21.

2. Parsons, Jacob. Origin and Growth of Wesleyan Methodism, op. cit., p. 96-103.

they adopted the same pattern as the Anglicans. However, in the other colonies, many of the Methodists were United Empire Loyalists and fought the Anglican claims to privilege by working for a public system of education, such as they had had experience with in the United States. The Methodist, Egerton Ryerson, the great opponent of the Anglican Bishop Strachan, in Upper Canada, was the architect of the public school system there. Denominational division in higher education, however, was common in every colony, as this was regarded as the training ground of the clergy and the colleges were founded by the separate churches.

The great new potential influence in education came with the establishment of the Legislature in 1833. How would this new authority deal with the area that hitherto had been the almost exclusive concern of the churches? Although the need for institutions of higher learning was stressed by Governor Cochrane in his opening address to the first Assembly, yet the matter was not dealt with until the sixth session in 1836.

The "Act for the Encouragement of Education" <sup>1</sup>

1. Legislative Acts, 1836-37. Cap. XIII.

was based on a report from a select committee appointed the previous year. It recommended that, since the existing educational institutions were doing so well and were already in the field, they all be granted government funds. In addition to supporting the denominational schools, the act provided for elementary schools, administered by Boards of Education, to be set up in each electoral district. The senior resident clergymen of each denomination in each district were to be automatically appointed to the Board, while the other members were to be appointed by the governor.

The new act immediately became a matter of contention between the various factions. According to The Patriot, July 9, 1836, of the total of 117 members of the Boards of Education, 23 held their appointments by the act itself. Of the remaining 94, who were appointed by the governor, 84 were Protestant and only 10 were Catholic. In Ferryland, which was almost exclusively Catholic, there were only two Catholics appointed, one by necessity of the act. In Fortune and Trinity there were no Catholics appointed, while in both Burin and Fogo, there was only one. In St. John's itself,

Bishop Fleming was not named, although obviously the senior resident Catholic clergyman.

When the Boards of Education were so heavily weighted in favour of the Anglicans, it is not surprising that the act had to be amended the next year, as it had virtually broken down. In the areas where there was a mixture of Catholics and Protestants, some sort of compromise had to be achieved, and this was best accomplished in St. John's itself. The ministers were allowed to withdraw the children of their denomination from the school for religious instruction, but could not teach them in the school.<sup>1</sup>

The geographical division of Catholics and Protestants into fairly well defined areas, with many settlements exclusively of one denomination helps explain why some of the Boards refused to even consider the possibility of compromise. When the Boards were almost exclusively Anglican in districts, with virtually all Protestant settlements, such as in Trinity and Bonavista, they demanded that the Bible be used in the schools. There was no consistent government policy on the matter,

1. The Patriot, Sept. 30, 1837. Report on the Proceedings of the House of Assembly.

Page 171 is missing.

for Governor Cochrane allowed the Trinity and the Bonavista Board to use the Bible, but not the Conception Bay Board. Several of the Boards refused their grant money, being unwilling to operate schools without religious instruction.<sup>1</sup>

In the amended Education Act of 1837, the House of Assembly made another effort to establish a general public education system. Peter Brown, one of the members from Conception Bay, spoke out strongly against a purely denominational system. He felt that there was a positive value in educating children of different beliefs together, in order to overcome prejudice. He believed that joint education was possible, if books, which were objectionable to any group, were banned from the classroom. He then made a strong plea for increasing the grant, arguing that education was the right of everyone. He wanted

to see the poor educated first and foremost as the rich would take care of themselves. It was the poor who paid the taxes, and it was their just right to get an education, and after that, if there was any money left, it might be given to educate the rich.<sup>2</sup>

1. Ibid.

2. Ibid.

Such radical social ideas were too much for the Assembly and they sided overwhelmingly with Patrick Morris, who argued that the grant was ample. The Assembly then went on to amend the Education Act so that it would be acceptable to the various factions.<sup>1</sup> The role of the clergy was strictly defined. They were allowed to visit the schools, but were forbidden to give religious instruction in the school or interfere in any way with the management or proceedings of the school.

No books were to be allowed, except those chosen by the School Board. Any books "having a tendency to teach or inculcate the Doctrines or peculiar Tenets of any particular or exclusive Church or Religious Society whatsoever" were strictly forbidden. 150 pounds was provided for buying the texts used in the Irish National Schools, which texts had been successfully used in St. John's and were believed to suit the Newfoundland situation admirably. Both the numbers and the exact titles, which the school boards could choose from were named by law.

In spite of these efforts by the Assembly, two vital points were left unchanged. The clergy

1. Legislative Acts. 1838, Cap. V.

who had dominated the Boards and, through their influence on the other Board members, had caused such strong positions to be taken on religious matters, were still automatically included on the Boards. In addition, the Governor, who had filled the previous Boards in such a biased manner, was still authorized to fill all vacancies. With clerically-oriented Boards, and unequal representation of Catholics, the amended act had no more chance of being a fairly administered form of public education than did the original.

During the next few years, the steady growth of denominational schools continued, both within and outside the public system. The Newfoundland School Society teachers, now recognized as completely Anglican in their outlook, numbered 45. In 1843, Bishop Fleming introduced the order of the Mercy Sisters to teach the daughters of the wealthy. By 1843, church activity had gained such momentum, and the public system set up in 1836 had so obviously failed, that the House of Assembly yielded virtually without a murmur to those who represented the clerical viewpoint.

The Irish National School System, which had been the pattern for the religious compromise in Newfoundland, was condemned.<sup>1</sup> Since the Irish nationalists had turned against it in Ireland, believing that it did not protect Irish Catholic interests, the Newfoundland Irish would not accept it either. John Valentine Nugent was the chief spokesman against it and was believed to represent the viewpoint of Bishop Fleming. All the religious groups, including the Wesleyans, approved of dividing the grant into Catholic and Protestant, and the matter was not a controversial one, even in the newspapers.

One last attempt to establish public education at the secondary level was made by John Kent. He proposed a bill in 1842 to set up a purely secular academy in St. John's. Prior to this time, any advanced education was handled by private teachers or the children were sent abroad. There were grammar schools of a sort in Harbour Grace, and Carbonear, but none had been established in St. John's itself. There may have been some advanced instruction at the Central School of the Newfoundland School Society as there was at the Benevolent Irish Society

1. The Patriot, March 16, 1842.

School, after 1836, but this was very limited in scope.

The secular academy soon failed for lack of support.<sup>1</sup> Both the Anglican and Roman Catholic Bishops were opposed to it and set up their own rival colleges. The parents sent their children to the church affiliated institutions and the academy had to close, apparently to the regret of no one, for lack of pupils. So ended the experiments in public secular education in Newfoundland, until the 20th century, when Memorial University was established.

The reasons for the failure of a public system of education are found in the make-up of Newfoundland society itself. In the other colonies, large numbers of the settlers were United Empire Loyalists who had experience with the public systems of New England, and wanted the same advantages for their children in the New Colony.<sup>2</sup> "The lack of schools and other privileges...was felt most keenly by them as their children were of an age to require schooling and society."<sup>3</sup>

1. Public Ledger, Feb. 21, 1842.

2. Lower, A. R. M., Colony to Nation, op. cit., p. 195.

3. Lower, A. R. M., Canadians in the Making!! A Social History of Canada. Longmans, Green & Co., Toronto, 1960, p. 165.

Although the churches wished to retain exclusive control over education, the settlers proceeded to set up their own schools, both building them and paying for teachers from their own resources. In spite of the fact that the ruling class was not much interested in education for the masses, they were forced to agree to grants of public money for this purpose, or the assemblies would not give support to the grammar schools that the elite wished to have set up for their children.<sup>1</sup> In the other colonies therefore, two systems, a public and a denominational, grew side by side, although the public one quickly became more extensive.

The battle for the control of education between ecclesiastics, particularly Anglicans, and the people's representatives emerged in every colony. Although the clergy had been given preferred positions in education at first, this influence was sharply curtailed. In New Brunswick, after June 1830, no clergyman in charge of a congregation of any Christian faith could be appointed as master or usher in any grammar school. In the debate on the

1. Phillips, C. E., Development of Education in Canada, op. cit., p. 108-9.

education act in the same colony in 1847, it was urged that no clergyman be appointed inspectors on the grounds that they were jealous and interfering with each other. In 1840, in Prince Edward Island, a special legislative committee advised that no clergyman should be eligible to be a school trustee, unless he actually had children attending the school. According to C. E. Phillips, the main reason for such actions was "the perpetual difficulty caused in educational administration by denominational zeal and bigotry. Another reason was the indifference or hostility shown by many clergy to public education." <sup>1</sup>

The community or common schools had emerged because the people themselves wanted them, and since they were providing the money in large part through local taxes, they were interested in efficiency and cheapness. Education they considered the right of their children, and not a method of ensuring proper social attitudes, benevolently bestowed on them from above. With local elected trustees and local taxation, the attitude of the people became the one which shaped the educational system.

1. Ibid., p. 304.

Although the division between Catholic and Protestant took place in all the colonies, yet the Protestants shared this common attitude toward education and excluded religious differences and to some extent, economic differences from the common schools, making them free and open to all.

In Newfoundland, however, the social and educational background of the people made it highly unlikely that they could have organized themselves to provide public education from their own resources for their children. Most of them had no formal education themselves and their way of life seemed to demand little. The English settlers who had any experience with education in England would have been exposed to denominational charity schools, while in Ireland, there had been no formal system of education allowed by the English until the Protestant Kildare Place Society developed a fairly extensive organization, beginning in 1811. This type of education was also paternalistic and charitable in its approach.

With the development of church sponsored education in Newfoundland, the same purposes and patterns for education which had been developed in

England and Ireland repeated themselves. There was no popular upsurge among the people to build local community schools. The upper classes were not particularly interested even in developing education for their own class as they were mostly transient, and so had no reason to compromise with local advocates of public education in the assembly to gain concessions for grammar schools. The people, because of the peculiar political development had never been exposed to local taxes and so were quite content to have both the control and cost of education assumed by others.

The ruling merchant class was quite satisfied to have the churches in control of education as they would be sure to inculcate the proper social attitudes and reinforce them with the authority of religion. It has already been discussed in the previous chapter how the churches upheld the existing social structure in the colony. All three of the churches were quite willing to provide separate systems of education for the children of the rich and the children of the poor in St. John's. This economic class division between the various schools

and colleges was not eliminated until the 1950's and 1960's. In addition, a denominational system meant that the schools were partially supported by money from abroad, especially in the case of the Newfoundland School Society.

Elsewhere, the victory for public education was really a triumph over the narrow oligarchic control of society exercised by a ruling clique. Conversely, the imposition of a denominational system, centrally controlled, without popularly elected trustees, where the clergy were dominated by the ruling class, was the victory of a paternalistic society.

## CHAPTER SIX

### The Limitations of a "Merchantocracy"

One of the most important ways of understanding a society is to study how it reacts to obvious weaknesses in its social structure. What policies does it adopt in order to prevent a complete social breakdown?

The most obvious weakness in the Newfoundland economic system was the fact that the majority of the people lived so near the subsistence level that they were unable to make adequate provision for the fluctuations in the world markets and the variations in the size of the catch which were an inevitable part of the fishing industry. They were almost totally dependent on an industry which was subject to wide variation of income. The problem was partially solved by the growth of the credit system which tided people over a poor year. However, if there were a series of poor years or the prices in the world market fell, the merchant faced the risk of bankruptcy if he extended too much credit.

How did the merchants and the fishermen themselves try to deal with this problem? The first solution of the merchants was quite simple. Transport the surplus population which could not adequately maintain itself, to someplace else. This was tried in the 1820's, mainly under Governor Sir Charles Hamilton.<sup>1</sup> There were several drawbacks to this solution, however. Fristly, someone had

1. Despatches to the Secretary of State, 1822-25, No. 85, May 6, 1822.

to pay the passage for such people as they did not have any money of their own. This initial outlay of capital was too much for the British government or the merchants to even consider. They desired a solution which, preferably, would not cost them anything, so emigration was never organized in the large scale way necessary for its success.

The second drawback was that these people had left England or Ireland, mainly the latter, primarily because of poor conditions there, and so were not at all anxious to return. Neither were the local authorities anxious to have them back, as they were also encouraging emigration as a cure for poverty. The other colonies did not want to have them either, and Nova Scotia protested when some destitute paupers were left for her people to cope with when winter was coming on. Emigration was finally dropped as a possible solution in the 1830's and no more money was spent on it.

Although the forcible deportation of the destitute as a deliberate policy was a failure, great numbers of people emigrated voluntarily through this whole period.<sup>1</sup> Many servants would become indebted and then flee the country. Skilled seamen shipped aboard vessels from the United States or one of the other colonies. However, these were not the people whom the colony's leaders wished to see go, as they were losing skilled fishermen and sailors

1. Times, Wednesday, January 23, 1833.

and gaining new unskilled ones from Ireland, and the same pattern would repeat itself again.

A second proposal to shore up the economic stability of the island was to develop another primary industry, agriculture. The main difficulty attached to this proposal is that the agricultural season corresponded exactly with the fishery, when the need for manpower was at its height. Governor Hamilton pointed out that even growing potatoes was harmful to the fishery as the men waited until they could plant them before they left on their voyage in the spring.<sup>1</sup>

In order for agriculture to develop, the farmers would have to earn the equivalent money that they could gain in the fishery. However, one report on agriculture stated that potatoes and produce from Prince Edward Island were selling more cheaply in St. John's in the fall than the local produce.<sup>2</sup>

Since settlement was technically forbidden under the Western Charter, there had been great restrictions placed on agriculture from the beginning. The West Country merchants were naturally opposed to it, as it increased the ability of the settlers to compete against them. Although, apparently, some merchants were willing to develop large tracts of land near St. John's in order to supply the local market, Hamilton was opposed to large grants to

1. Despatches to the Secretary of State, 1822-25, No. 97, November 6, 1822.

2. *Ibid.*, Report of Major Lewis, enclosure.

the merchants for fear a system of peasant tenantry would develop. He believed that small independent holdings would make the people more self-reliant, failing to realize that such small holdings were really uneconomic, as they could not realize a large enough profit to make it worthwhile to turn to agriculture full time.

In the other colonies the primary source of wealth was considered to be land, but in Newfoundland, capital was invested in the fisheries. Even as late as 1837, a Committee of the Legislature reporting on the state of agriculture, stated that a high rent was still being charged on farmland, although the government was supposedly encouraging agriculture. Even though the committee recommended that free land be given to "industrious persons", it limited the amount of land to between 20 and 50 acres.<sup>1</sup>

Agriculture failed, not just because of the difficulties of climate and soil, but partly because the merchants and the people were both committed to the fishery, first and foremost, and were not willing to invest the necessary capital or labour in the proposal.

Since high food costs were one of the main reasons for the people's low standard of living, and the development of local agriculture was not believed practicable, it may be wondered why Newfoundlanders did not arrange to import food at the lowest possible cost. The answer

1. The Patriot, "Report of Select Committee of Legislature on the present State of Agriculture of this Colony", October 7, 1837.

is quite simple. The merchants would not allow it as it would destroy their economic monopoly since the Americans could easily undersell them.<sup>1</sup>

Another suggestion repeatedly made throughout this period was to open up the country through building roads. It was believed that this would accomplish several purposes. First it would mean that produce and goods could flow more freely, even in the winter. This would break up the monopoly system in the out-port, as the planter could sell his fish elsewhere and would not have to buy winter supplies all at once, as was necessary in the isolated areas. By building roads to the ice-free ports in the south, it was hoped that food could be imported cheaply to the island all winter.<sup>2</sup>

Although the idea sounded good, the roads could not be built without a great investment of capital and labour. The practical time to undertake such a major piece of construction would be in the summertime, and this again conflicted with the fishery. The merchants certainly did not believe enough in roads to pay full fishing wages to have them built.

The first assembly passed a road bill, in which the people were required to give labour for nothing, but they were unwilling to do this. Cochrane proposed having the roads constructed in the wintertime, as a sort of early "winter works programme" rather than giving straight relief,

1. Despatches to the Secretary of State, 1822-25, No. 97, November 6, 1822, Remarks by Governor Hamilton.

Thomas Cochrane No.9, Jan. 30, 1826.

but the money was not sufficient and the winter weather too severe for much to be accomplished. Although the terrain was rough in Newfoundland, the development of roads really failed because of the lack of belief in them. The real interest of both merchants and people was in the potential of the sea, not in opening up the land.

Another solution to the problem of periodic distress by large numbers of the population was to encourage them to prepare for this eventuality by a careful and frugal way of life. This, of course, was a very popular idea among the merchant class, as it represented their social philosophy that each individual was responsible for his economic state and promoting these ideas would not entail any expense for the ruling class.

Several mutual benefit societies were begun in the 1820's, with the purpose of inculcating these ideas among the people. One of the best supported was the Fishermen's and Shoremen's Association, begun in St. John's in 1828. There was another one established soon after, in Harbour Grace. Its purposes were to encourage "industry, morality, frugality and independence amongst every class of persons associated with the fishery".<sup>1</sup> There was to be a sick benefit fund set up so that the sick, aged and infirm could be cared for by members of their own class.

1. Newfoundlander, Thursday December 18, 1828.

One of the main hopes of the merchants sponsoring this society, was to keep the dieters who were in debt, from fleeing the island. It was made clear in the debate setting up the organization that the fishermen had to prove their reliability before they could expect substantial aid:

...it may not be going too far to expect that when the Government shall find the whole body of fishermen of the Island are making a determined and resolute struggle to extricate themselves from present difficulties by abandoning the old and ruinous system, and by assuming a new character, they will afford some additional encouragement and comfort. <sup>1</sup>

In order to ensure that the organization would continue to have the correct understanding of the reasons for poverty among fishermen and the best solution to it, the society was organized under the management of sixteen directors, and no member of the society, meaning no fisherman or shoreman, could be a director. The amount of relief that an individual could receive was not to exceed nine shillings a week. It was laid down quite specifically in the constitution that no political subject, or any matter not directly connected with the objects of the institution was to be discussed. No rules of the society could be altered unless first recommended by the board of directors.<sup>2</sup>

Such an obvious intent to control their minds was not just passively accepted by the fishermen. Although they

1. Ibid., Thursday February 19, 1829.

2. Ibid., Thursday February 26, 1829.

enrolled in the organization, the complaint that soon arose about the organization was that only those requiring relief were anxious to participate in it. The merchants had not quite convinced the fishermen that all the support of the indigent ought to be undertaken by other fishermen, which in spite of all the verbiage, was the real intent of the organization.

Another organization which promoted many of the same ideas was the Mechanics Society which appeared to be somewhat more successful, as its members were skilled workers, such as coopers, and so were better off to begin with. The wealthy controlled it in large part as well. Patrick Kough, one of the wealthier merchants, was the first president.

Another proposal which many thought would be a great help was the establishment of a savings bank. This would enable the poor to save their money in full security. Virtually all public discussion about the bank emphasized what a boon it would be to the poor.<sup>1</sup>

In 1832, the St. John's Factory was set up by the influential women of the town. Its purpose was to teach indigent poor women to become self-reliant by teaching them the arts of spinning, carding, net-making and other manual skills.<sup>2</sup> Although this was perhaps an early

1. The Times, Wednesday February 20, 1833, Public Ledger, Tuesday January 22, 1833.

2. The Times, December 19, 1832.

attempt to relieve unemployment through teaching new skills, it soon failed for lack of support.<sup>1</sup> None of the merchants were willing to provide the raw materials needed, as the products that the women made competed with regular commercial business.

A major new social advance in this period was believed to be the Temperance Movement. There was a tremendously high consumption of rum in Newfoundland. In 1806, about eleven gallons per head was imported into the island. The addition of brandy, gin, wine, beer, cider and others raised this figure an additional five or six gallons.<sup>2</sup> It was customary for an employer to provide his employees with rum both in the morning and afternoon. According to William Wilson, the merchants quite frequently entertained other merchants by seeing how much each could drink in an evening.

The cost of such excessive drinking was high in terms of lost hours from work and loss of money by people who could scarcely afford it. There were frequent court cases where servants lost all or most of their wages by not fulfilling the terms of their contract through drunkenness.<sup>3</sup>

Excessive drinking was probably a symptom of social ills, as it was readily available in a society where there were few entertainments for the poor, and much grinding

1. Public Ledger, Friday February 15, 1833.
2. "St. John's a Century Ago" J. W. Withers, When Was That, St. John's 1923, p. 145.
3. Prowse, p. 357-8.

work for little financial gain. However, the "respectable" who organized the Temperance Society in 1833 mistook the symptom for the disease and declared in their founding resolutions, "that the unhappy propensity to use distilled spirits is one of the chief causes of pauperism, disease and crime in this island".<sup>1</sup> They pledged themselves to abstain from the use of all distilled spirits, except for medicinal purposes. It was only the most extreme who advocated complete abstinence in this period, and the moderate use of wines and beers was considered quite acceptable.

Although there was great enthusiasm among the membership for this new venture, those who were making profit from the sale of liquor went right on doing so. One letter to the editor explained that it was possible to advocate temperance and still go on selling liquor until the customers were voluntarily persuaded to give it up.<sup>2</sup> Not even the clergy were all whole-hearted supporters of the idea of temperance in this early period.

The principles of the Temperance Society were extended to form a Mariner's Temperance Association. Each crew would form its own separate society, with the captain being the president and the first mate, the secretary. Although the idea was hailed with great enthusiasm by many of the merchant owners, there is only one recorded comment by a seaman.<sup>3</sup> He said that on the temperance ships

1. Public Ledger, Tues. Jan. 22, 1833.
2. The Times, Wed. Jan. 30, 1833.
3. Public Ledger, Fri. Oct. 18, 1833.

in the United States, the sailors got paid ten shillings a month more to compensate for the lack of liquor. He thought that his principle, if applied in St. John's, would make the new association more popular. Apparently, this suggestion was ignored.

One of the reasons that temperance did not make a greater impression at first was that it was presented in religious language, being supported by both the Church of England and Methodist clergy. This turned the Roman Catholics against the idea, as they believed that it was another effort at Protestant proselytizing through temperance tracts.<sup>1</sup> Not until 1837 did Roman Catholic efforts to curb excessive drinking begin to have any force. At this time the Newfoundland Irish were greatly influenced by the movement of Father Mathew in Ireland for temperance and many associations sprang up in Newfoundland in support.

It is difficult to estimate the effect of these early temperance societies. Certainly they influenced the teachings of the churches. However, they all eventually petered out and the idea of temperance as a cure for social ills was not revived again until the latter part of the nineteenth century.

All of these attempts to solve the basic economic problems of Newfoundland society relied on the voluntary

1. Ibid., Friday August 30, 1833.

persuasion of the poor by the "respectable" to help themselves. There were others who felt that the poor were too lazy and immoral to make any real self-improvement, and these groups advocated the use of force to make them improve or else suffer worse consequences. Some of these people proposed that a system of work houses be established in Newfoundland.<sup>1</sup> Although this was advocated on several different occasions, the government was unwilling to invest in such a capital outlay as it would take to build such institutions and maintain them. Certainly the Newfoundland merchants were unwilling to incur such expense voluntarily, so the idea failed for lack of financial support.

Others, such as Governor Cochrane and Archdeacon Coster, advocated that no relief should ever be given except in exchange of labour.<sup>2</sup> Those on relief were able to do some road-building when the weather permitted, and gather firewood, but other than this, there was very little that could be done in the winter in the way of general improvements without involving more capital than they had available for relief projects.

The obvious failing present in all of these proposals to remedy Newfoundland's economic ills was that the merchant class were opposed to any real changes that might adversely

1. Despatches of Governor of Newfoundland to Secretary of State, Cochrane to Bathurst, No. 16, May 26, 1826.
2. The Times, Wed. March 6, 1833. See, also, Colonial Records 1825, Coster to Cochrane, Oct. 15, 1825.

affect their favourable situation. At the same time, they were unwilling to make any major investment of capital to improve the situation. Therefore, their efforts lacked any real force and the people were not significantly affected by them.

Nevertheless, the problem of periodic widespread suffering because of the failure of the fishery had to be dealt with and the people imposed their own kind of solution. Although the dominant class was most opposed to giving straight relief as they believed that it was demoralizing, in times of hardship, the people demanded food from the merchants, and if their demands were not met, then they resorted to widespread looting.<sup>1</sup> Since the merchants did not have adequate police protection in the smaller places<sup>2</sup>, there was little they could do about it. Rev. Fitzgerald wrote about the situation at Bonavista:

I beg leave to add that almost every respectable family in the place is now suffering privation (one is without even the necessities of life) through the misconduct of the lower orders - Their provision is expended - the ice prevents any communication with St. John's - and nothing can be purchased - as the merchants did not dare to keep any provisions in their stores last fall, well-knowing they had no<sub>3</sub> surety for their safety. And who can blame them?

The people's attitude toward relief was quite different than that of the merchants'. They did not regard it as a favour, benevolently bestowed on them, but as their right.

1. The Times, Wed. April 3, 1833.
2. They relied on the ships of the British navy to keep civil order. See Despatches to Secretary of State, Cochrane to Bathurst. No. 41, Dec. 13, 1820.
3. S/2/12 Letter, Books of the Colonial Secretary's Office, p.121.

When the assembly was first established there was a temptation for the members to use poor relief to buy influence with the voters. This was a temptation that they resisted at first. John Kent, although supposedly one of the more radical members of the House, expressed the viewpoint of all when he declared, "As regards eleemosynary relief, it ought never to be granted without the strongest necessity."<sup>1</sup>

In spite of this strong resolution, however, as the years passed without the Assembly being able to change any of the basic economic structure through legislation, the members gradually succumbed to the temptation to use relief to alleviate a problem that they did not know how to eliminate. Before there had been a legislature, relief spending averaged about 7% of the total civil budget. The amounts fluctuated up and down in the 1830's, but from 1843 on, never less than 20% of the total budget was set aside for poor relief.<sup>2</sup>

Edward Moulton in his thesis relates that the relief spending became so high in the 1850's, even in the prosperous years, that a committee was set up to investigate it.<sup>3</sup> In 1830, poor relief spending was 1,381 pounds; in 1844, it was 3,150 pounds, and in 1857, one of the most prosperous years of that decade, it had risen to 8,385 pounds.

<sup>1</sup> The Public Ledger, Friday, January 4, 1833.

<sup>2</sup> These figures are based on the Estimates of the Civil Establishment, Appendices, Journals of the House of Assembly, 1833-50.

<sup>3</sup> E.C. Moulton, The Political History of Nfld., op. cit., p.16.

This was the final solution arrived at for an unsatisfactory economic system. The people were kept from demanding more radical reforms by government relief. The merchants disapproved of the whole idea of relief, but were willing to pay this price in order to keep their essential control unchallenged.

When Sir Richard Bonnycastle observed Newfoundland society in 1841, he called it a "merchantocracy" as opposed to a democracy, from which this thesis takes its title. This comment made by an independent observer certainly seems to be confirmed by a study of Newfoundland institutions in this period. The merchants had been able, through the strength of their economic power, to gain control over all the other institutions of the colony. The continuing importance of poor relief to bolster the economic system reveals that even the merchants were the victims of a type of society which they controlled but did not understand. Although they possessed the power, their concepts of economics were so limited that they did not know how to mould a society which would be more balanced economically and instead sought only to conserve their own dominance.

Their limited outlook was shared by the other men of their class in the same period in other places. Had the other cliques in the other colonies been given the same opportunities to dominate as the Newfoundland one was, they would probably have followed a similar pattern. However, the other colonies had a different type of

population, which was more able to successfully challenge the oligarchic control of a few, and the changing patterns of society forced changes in social structure as industry developed.

In Newfoundland no significant new industries developed for many years and by the 1850's immigration had virtually ceased to play an important role. The merchants' dominance could not be successfully challenged from within either, as all the institutions supported the existing social and economic framework. Newfoundland had become a closed society. Not until the twentieth century would outside forces eventually be strong enough to challenge Newfoundland's "merchantocracy".

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