

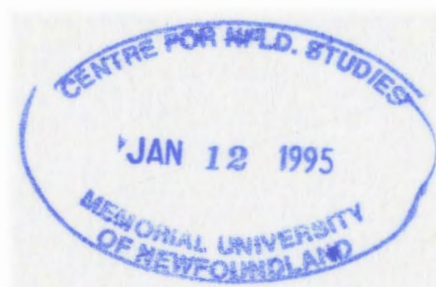
THE GENESIS OF THE NEWFOUNDLAND
IMMIGRATION ACT OF 1926

CENTRE FOR NEWFOUNDLAND STUDIES

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DARREN JOHN GOODYEAR



THE GENESIS OF THE NEWFOUNDLAND IMMIGRATION ACT OF 1926

BY

©Darren John Goodyear, B.A.

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Abstract

In 1926 Newfoundland enacted legislation to restrict immigration in spite of the fact that the island had received very few immigrants in the previous seventy years. The antecedents of the 1926 Immigration Act can be found in the colony's own immigration experience, the shift in international immigration policies after the First World War, and its relations with Canada and the United States.

After the First World War, Canada and the United States effectively restricted immigration to Mainland North America. This shift in immigration policy left Newfoundland with the most liberal regulations in North America and caused increasing difficulties for the colony's migrating labour force. Unlike its neighbours, Newfoundland did not experience mass immigration in the early part of the twentieth century. As a result, immigration policy was not a high priority. The colony did not have in place the administrative or legislative framework to respond to the development of international or North American restrictions.

Canadian and American immigration officials pressured the Newfoundland Government to restrict immigration in the wake of two organized immigrant smuggling schemes in 1925-26. The arrival of two small groups of eastern Europeans in St. John's enroute to the United States, and the subsequent investigations launched by the American consulate and local

investigations launched by the American consulate and local officials, warned legislators that the colony could be the recipient of redirected immigrants. With an uncertain economy and a dependence on the goodwill of its neighbours to relieve its excess labour, Newfoundland reacted to concerns over immigrant smuggling by passing a new immigration act in 1926.

This act emulated Canadian style restrictions and ended a tradition stemming from 1906 of judging prospective immigrants, with the exception of the Chinese, by individual merit. This was significant as individual merit was replaced by blanket restrictions as a way of screening potential immigrants. The 1926 Newfoundland Immigration Act was the last stage in a trend to create uniform immigration standards for North America after the war.

Acknowledgements

I would like to thank all of the people who encouraged me in this effort over the last two years.

The type and magnitude of my family's support which encouraged me to succeed from grade school to this graduate degree is the most important factor in the completion of this degree. This thesis is my tribute to my mother, Mary Goodyear, who gave me a pride in academic achievement and a belief in myself, and to aunts Shelia, Kay and Enid, uncles Jim and Stan, and my sister Michele, who all offered their help along the way.

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Bassler represents the best of what a supervisor is meant to be. I can only hope that other students can be as fortunate as I was in this respect.

Lastly I would like to thank my colleagues in the Grad Room; Sarah for her editing, Andrew, Vince, Janice, Ugo and Ron for their social and political commentaries (especially during our Friday afternoon round tables) and Fred for all the laughs.

To the reader I can only hope that the following work might provide some insight or enjoyment, or even better, both.

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Preface

In existing studies of early twentieth century migration history, the Newfoundland experience has been for the most part ignored on the international level. Studies of the impact of immigrants on "white" settler colonies of the British Empire contain few Newfoundland references. Even the most "thorough" inclusion of Newfoundland in such discussions merely states that the colony had so few attractions that immigration was not a problem.¹ The reasons for this neglect are twofold: Newfoundland was not known as a receiving country for immigrants, and the topic of immigration has only recently been investigated on the local level. However, this neglect is not warranted when investigating immigration policies. Unfortunately, the lack of immigration into the island has overshadowed the extensive body of legislation enacted during the early decades of the twentieth century. Most people are either surprised that Newfoundland had such legislation or fall into the trap of merely stating that the topic is irrelevant because there was so little immigration after the waves of English, Irish, and Scottish settlers in the early nineteenth century. By 1926, there was a comprehensive body of

¹ Arthur Berriedale Keith, The Dominions as Sovereign States: Their Constitutions and Governments (London: Macmillan, 1938). Also see Stephen Constantine, ed., Emigrants and Empire: British Settlement in the Dominions Between the Wars (Manchester: Manchester University Press, 1990), and Robert A. Huttenback, Racism and Empire: White Settlers and Coloured Immigrants in the British Self-Governing Colonies 1830-1910 (Ithaca: Cornell University Press, 1976).

legislation in place to deter unwanted immigrants and to deport those who may have found their way to the island. It is necessary to see Newfoundland within a North American and international context of migration in order to understand the pressures to enact, and the reasoning behind, Newfoundland's immigration legislation in the years leading up to the Depression. The colony's position as a source country of emigrants also needs to be addressed when discussing external pressure on Newfoundland's policy makers to conform to North American standards while formulating their "own" policies.

The historiography of immigration within the Newfoundland context is limited, but does provide some necessary ground work for future studies. Much of the work on immigration to Newfoundland concerns the patterns of settlement of the first permanent European settlers. In much the same way that Newfoundland remained outside the large waves of European immigrants heading to North America from the 1850s onward, the literature has also remained largely confined to the "free entry" period.²

The growth of Canadian ethnic and immigration history

² The most notable work on this period is John Mannion, ed., The Peopling of Newfoundland: Essays in Historical Geography (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1977). See also Gillian Cell, English Enterprise in Newfoundland, 1577-1660 (Toronto: University of Toronto Press, 1969), C. Grant Head, Eighteenth Century Newfoundland: A Geographer's Perspective (Toronto: McClelland and Stewart, 1976) and W. Gordon Handcock, Soe longe as there comes noe women: Origins of English Settlement in Newfoundland (St. John's: Breakwater, 1989).

from the late 1970s, largely attributable to Canada's multiculturalism policy, encouraged similar developments on the local level. Yet, there are only a few studies which have focused exclusively on pre-confederation immigrants and legislation. Alison Kahn's study of the Jewish community provides a number of insights on the experiences of Jewish immigrants and how they perceived their treatment by the host society.³ Kahn's extensive oral interviews are a good source of information, but the personal narratives, which characterize the book, leave much to be desired in way of analysis. What the book eloquently achieves, through the words of the respondents, is a vivid portrayal of pre-confederation Newfoundland society through the eyes of "outsiders looking in."

In a similar fashion, Robert Hong has endeavoured to recount the experiences of the Chinese in Newfoundland and discover why restrictive legislation was aimed at this group in 1906. Hong's dissertation is a well researched account, but his contention that the Chinese Immigration Act was primarily a result of a fear by the working class and their supporters that the Chinese would split the labour market and undermine wages is somewhat overstated.⁴ A further discussion of it in

³ Alison Kahn, Listen While I Tell You: A Story of the Jews of St. John's (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1987).

⁴ Robert G. Hong, "'To Take Action Without Delay': Newfoundland's Chinese Immigration Act of 1906," B.A. Honours dissertation, Memorial University of Newfoundland, 1989.

the first chapter provides an alternative interpretation of the motives behind this act.

Newfoundland's inability to negotiate reciprocal immigration regulations with Canada, and the frustrations Newfoundland experienced when fighting deportations from Canada are addressed by Peter Neary and Malcolm MacLeod.⁵ Each article is somewhat limited by its source material, more so MacLeod's than Neary's, but they have one thing in common; neither author viewed the source material of the other. Neary uses Canadian Immigration correspondence with Newfoundland officials, while MacLeod uses a small portion of the available Newfoundland correspondence along with a selection of deportation files. What is left unexplored by these studies is the important impact that such correspondence had on Newfoundland officials when formulating their own immigration policies. The whole issue of deportations is important for the present work only so far as it illustrates Newfoundland's subservient position to its larger neighbours. However, it should be noted that the volume of deportation files in the Provincial Archives of Newfoundland and Labrador are a valuable source which have yet to be adequately studied and deserve further research.

Gerhard P. Bassler has written extensively on the enemy

⁵ See Peter Neary, "Canadian Immigration Policy and the Newfoundlanders, 1912-1939," Acadiensis. Vol.11, No. 2 (Spring 1982). pp. 69-83. and Malcolm MacLeod, "You Must Go Home Again: A Newfoundland - Canada quarrel over deportations, 1932-1933." The Newfoundland Quarterly. Vol. 13, No. 4 (March, 1983). pp. 23-25.

alien experience during wartime, the development of Newfoundland's immigration legislation, and in particular, official reaction to the Jewish refugee crisis of the 1930s.⁶ Bassler's critical views of Newfoundland officials and the merchant elite are grounded in his study of the 1930s. Immigration restrictions were intensified at the same time that affluent immigrants were clamouring for a way out of Europe. He argues that the self-interest of Newfoundland's economic elite dictated the exclusion of affluent Jews who would have competed with established interests. This argument acknowledges that the growth of North American immigration restrictions impacted the decisions of Newfoundland officials. However, in his discussion of external pressures on immigration regulations, the coverage of developments in the 1920s is incomplete. By using American consular and State Department records, and Canadian Immigration Department files, considerable light can be shed on just how closely Newfoundland's experience was being watched by its neighbours. More importantly, these records detail the responses of Newfoundland officials to U.S. and Canadian concerns over immigration policy.

⁶ See G.P. Bassler, "The Enemy Alien Experience in Newfoundland 1914-1918," Canadian Ethnic Studies, Vol. 20, No.3, (1988). pp. 42-62. "Newfoundland's 'Dangerous' Internees Who Never Were: The History of the Victoria Camp, 1940-43", Newfoundland Studies, Vol. 5, No. 1, (Spring, 1989). pp. 39-51. and Sanctuary Denied: Refugee From the Third Reich and Newfoundland Immigration Policy 1906-1949 (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1992).

Canadian, Australian, and American studies are useful in elucidating the dynamics behind the changes in postwar immigration policies. The expansion of immigration historiography in these countries has produced some excellent studies of the reasoning behind the steady movement towards entrance criteria based on rigid economic, ethnic, cultural and political selectivity. Authors such as Patricia Roy, Harold Troper, Gerald Dirks, Freda Hawkins, Robert A. Divine, and A.T. Yarwood provide considerable insight into the racial justification behind immigration restrictions.⁷ The economic and ideological basis for restrictions has likewise been explored by Donald Avery, Barbara Roberts, and Kitty Calavita. These studies provide a contextual paradigm for a study of Newfoundland immigration policy.⁸

While specific examples of how given conditions

⁷ Patricia Roy, A White Man's Province: British Columbia Politicians and Chinese Immigrants, 1858-1914 (Vancouver: University of British Columbia Press, 1989), Harold Troper, Only Farmers Need Apply: Official; Canadian Government Encouragement of Immigration From the United States, 1896-1920 (Toronto: Griffen House, 1972), Gerald Dirks, Canada's Refugee Policy: Indifference or Opportunism? (Montreal: McGill-Queens University Press, 1977), Freda Hawkins, Critical Years in Immigration: Canada and Australia Compared (Montreal: McGill-Queens University Press, 1989), Robert A. Divine, American Immigration Policy, 1924-1952 (New York: Da Capo Press, 1972), A.T. Yarwood, Asian Migration to Australia: The Background to Exclusion 1896-1923 2nd ed. (Melbourne: Melbourne University Press, 1967).

⁸ Donald Avery, Dangerous Foreigners: European Immigrant Workers and Labour Radicalism in Canada, 1896-1932 (Toronto: McClelland and Stewart, 1979), Barbara Roberts, Whence They Came: Deportations From Canada 1900-1935 (Ottawa: University of Ottawa Press, 1988), Kitty Calavita, U.S. Immigration Law and the Control of Labour: 1820-1924 (Orlando: Academic Press, 1984).

precipitated policy changes are valuable by way of comparison to the Newfoundland case, authors such as Hawkins, Roberts, and Yarwood, have acknowledged and explored an equally important analytical premise: the international character of policy changes. In much the same way that Frank Thistlethwaite identified migration within an international context rather than as a relationship between migrants and the push and pull forces of individual countries, the study of policy changes necessitates a global perspective.⁹ Because of their continuous desirability as destinations for immigrants, Newfoundland's North American neighbours and Australia lead the way in shaping international immigration policies. It is central to this study that Newfoundland officials formulated immigration legislation with these precedents in mind when they were confronted with the task of adapting to world wide postwar changes in immigration legislation.

While the 1930s represent a dramatic increase in the numbers of immigrants wishing to land, the 1920s are a far more important period for understanding the evolution of the colony's legislative and administrative apparatus which dealt with immigration. The extent to which Newfoundland immigration policy was shaped by the colony's relations with its North American neighbours has not been fully explored by Bassler or

⁹ Frank Thistlethwaite, "Migration From Europe Overseas in The Nineteenth and Twentieth Centuries", in Herbert Moller, ed., Population Movements in Modern European History (New York: Macmillan, 1964).

anyone else. This is primarily due to the limitations of Newfoundland source material as indicated above. However, this thesis will explain, by using records from Canadian and American archives, why the restrictive Newfoundland Immigration Act of 1926 was considered necessary by the government.

Chapter One

From Free Entry to a Dichotomous Immigration Policy

Until the first decade of the twentieth century Newfoundland was without immigration legislation. The only active statute on the books was the Disembarking of Paupers Act. This act provided for a one hundred dollar fine, or a maximum sentence of three months, for the Master of any vessel who landed any person who because of age, disease, or lack of means of support, could become a public charge.¹⁰ Such an absence of immigration legislation facilitated the establishment of two refugee communities originating in the 1890s. Maronite Syrians, and Russian-Polish Jews constituted the only non-traditional ethnic groups. At this early stage, each group engaged in petty trading and were generally seen as non-competitive by the local population. However, these groups were not free from xenophobia and nativist sentiment. One early example of intolerance came after a St. John's tenement fire in 1893. The Evening Telegram characterized a number of Syrians who were living near the blaze as a "heterogeneous indigent multitude of Maronites." After describing their living conditions as being of "squalor and wretchedness," the paper stated that: "It would be very much in the interest of

¹⁰"Of the Disembarking of Paupers", Consolidated Statutes of Newfoundland, 1892 (St. John's: J. W. Withers, 1896). It originally appeared in 1872 under the title "Of Mendicant and Infirm Immigrants."

the community if these unchangeable Jews were called home to the 'ancient city'."¹¹ A strong statement despite the fact that the Syrians were not Jews but Christians. Alison Kahn's informants noted that decades later the dark skin of the Syrians was the reason why people thought they were Jewish.¹² In a country with next to no immigration, it is not surprising that such misconceptions surrounding foreigners could develop and persist.¹³ Newfoundland's ethnic homogeneity and loyalty to the British Crown was proudly extolled by the colony's publicists and politicians. In 1920 H.M. Mosdel could proudly state that:

Thus on the soil of Newfoundland, the tough enduring Saxon and the more lively Celt have met in proportions not far from equal. From this wholesome amalgamation of races have sprung the stalwart men and comely matrons who are today the admiration of those who visit the shores of Newfoundland.¹⁴

Newfoundland Governor Sir Ralph Williams noted the carryover of British traditions and dialects in the colony, and imperial loyalty of the population when discussing the possibility of Confederation with Canada. He went on to argue:

¹¹ "Squalor and Wretchedness: What Yesterday's Fire in McCarthy's Block Revealed," Evening Telegram May 13, 1893. p.4.

¹² Kahn, Listen While I Tell You., p.32.

¹³ For a further discussion of Nativism in Newfoundland see Bassler, Sanctuary Denied., pp. 63-69.

¹⁴ H.M. Mosdell, Newfoundland: A country of Infinite Possibility and Manifold Attractions to the capitalist, the Settler and the Tourist (St. John's: Executive Government of Newfoundland, 1920) p.15.

sentimentally it would be a grievous thing, as putting an end to the individuality of England's oldest and most loyal oversea possession, merging it with the conglomerate mass of humanity of all nations who constitute the population of Canada. . . . A very large number of Canadians are no doubt intensely loyal, but the bond is getting yearly weaker, partly due to the hybrid of European immigration. . . .¹⁵

Mass immigration had not touched this corner of North America, leaving the population strongly distinct and oriented towards the source of its last inflow of settlers.

A pivotal year in Newfoundland immigration policy was 1906. The arrival of approximately 168 Chinese startled officials and provoked a swift and comprehensive reaction by government. The Chinese Immigration Act and the Aliens Act created an immediate hierarchy of policy based on race. These acts were the result of negative stereotyping of the Chinese and a realization that Newfoundland could become a destination for unwanted immigrants who did not fall under the control of the Disembarking of Paupers Act. The Chinese Immigration Act was a direct copy of a 1903 Canadian statute while the Aliens Act was a copy from a British law of 1905. In each case the acts retained their original names. What is truly remarkable is that in a matter of weeks, Newfoundland had adopted as its own, two pieces of highly contentious legislation which had been the product of years of debates and Royal Commissions in

¹⁵ Ralph Williams, How I Became Governor (London: John Murray, 1913) p. 424.

their countries of origin.¹⁶

The antecedents of such restrictive legislation can be found in the responses of white settler colonies to Chinese, and later, Japanese and Indian immigration. During the latter half of the nineteenth century, California, Peru, Panama, Ecuador, and New Zealand, Canada and every Australian colony "had asserted that domestic sovereignty included the right to control, restrict and ultimately prohibit the entry of Asian immigrants."¹⁷ These restrictions were originally enacted in response to the Chinese who were entering the labour sectors and participating in gold rushes. Progressively tougher restrictions in these places had a "ripple effect" on other areas of white settlement which feared that their own restrictions would then become the most lenient, thereby precipitating an Asian influx.

It was the experiences of the other white settler colonies which influenced Newfoundland's decision to restrict Chinese immigration by the means of a three hundred dollar head tax in 1906.¹⁸ Robert Hong's argument that the act was motivated by labour considerations contradicts his contention

¹⁶ For a discussion of these acts in Canada and Great Britain see Patricia Roy, A White Man's Province., and Vaughn Bevan, The Development of British Immigration Law (London: Croom Helm, 1986).

¹⁷ David Johanson, "History of the White Australia Policy," in Kenneth Rivett, ed., Immigration: Control or Colour Bar?: The Background to 'White Australia' And A Proposal For Change. (Melbourne: Immigration Reform Group, 1964).

¹⁸ For the full text of the act see Appendix (A).

that opposition to Chinese immigration transcended class lines.¹⁹ He provides numerous examples of the negative racial stereotypes which were levelled at the Chinese, yet argues that a fear of a split in the labour market was the primary impetus for the law. However, if opposition to Chinese immigration was prominent across all sections of Newfoundland society, it would seem unlikely that a splitting of the labour market was their only concern. Unlike British Columbia, there are no examples of Newfoundland capitalists championing the cause of the Chinese, or using their labour to drive down wages. The labour market "fears" were borrowed like many other contemporary negative stereotypes in white settler colonies. The collective assumptions that the Chinese were "heathen", "diseased", "drug using", "immoral", or "cheap labour", and the reactions of other colonies, were the reasons for Newfoundland's act. Economic fear was a powerful motive for immigration legislation, but it was not significant in Newfoundland's case.

It appears that the Aliens Act was merely an afterthought of the Chinese Immigration Act. Debates in the House of Assembly were restricted to the Chinese Act. In fact, the two bills were introduced at the same time and in the Journal of the House of Assembly are noted as "certain

¹⁹ Hong, "To Take Action Without Delay", p.7.

resolutions on the subject of Chinese immigration."²⁰ The act laid out the general guidelines for admittance to the colony. Undesirable immigrants included those who were physically or mentally unfit, or those who were unable to support themselves. Gerhard Bassler has emphasized the portion of this act which guaranteed landing rights, regardless of financial status, to any immigrant fleeing religious or political persecution.²¹ Contradicting this, later officials did not allow Jewish refugees asylum. Bassler is correct in criticising this policy, but it should be noted that the act was not the product of local discussion and priorities concerning humanitarian exceptions in immigration policy. The Aliens Act, Newfoundland's first comprehensive immigration act, was adopted amidst reactionary response to Chinese immigration.

The two acts of 1906 give some indications about what types of immigrants were considered undesirable to Newfoundland, but attempts to introduce settlers to the colony in 1909-1910 provide a better understanding of which groups would have been considered desirable settlers.

Newfoundland Prime Minister E.P. Morris discussed farm settlements with Salvation Army authorities in London in the spring of 1909. Later that year, The Daily News proudly

²⁰ Journal of the House of Assembly (St. John's: Evening Telegram, 1906), p.41.

²¹ Bassler, Sanctuary Denied., pp. 39, 55-56, 223-224. See Appendix (B) for the full text of the Aliens Act.

reported that Commissioner Coombs and Lieutenant Colonel Rees of the Salvation Army were touring the island to assess the potential of sponsoring farming settlements.²² The paper was anxious that Newfoundland should embark on agricultural settlement using British immigrants. The editor noted that "there is plenty of room in the 'gardens' of Newfoundland for emigrants of the class that the Salvation Army sends out."²³ Although the Salvation Army was invited to the island by Prime Minister Morris and personally escorted by him throughout the tour, Newfoundland was unable to attract a settlement.

Six months later, while in England, Prime Minister Morris was approached by C. Reginald Enoch concerning a colonization proposal along business lines. He hoped to form a colonization company with a number of other businessmen to establish settlements in the interior using private capital attracted to land grants and resource rights given by the Newfoundland Government.²⁴ Prime Minister Morris was interested in the proposal, but noted that he had no authority to enter into an agreement until he had returned home to discuss the matter with his government.²⁵ Whether the Newfoundland Government was unwilling to offer the types of

²² "The S.A. Settlement," Daily News., November 16, 1909, p.4.

²³ "S.A. Settlements", Daily News. November 13, 1909, p.1.

²⁴ PANL, GN 8/1, file "Emigration Schemes", Enoch to Morris, June 25, 1910.

²⁵ Ibid., Morris to Enoch, June 25, 1910.

concessions requested, or Enoch found another place for his settlement, nothing ever came of the proposal.

Perhaps that best opportunity that the "oldest colony" had in attracting settlers came from a group of Rhodes Scholars in 1909. The Society for the Furtherance of Child Emigration to the Colonies, which was established in October of that year, was the brain child of Kingsley Fairbridge, Rhodes Scholar from Rhodesia. One historian described him as a "supreme upholder of the neo-Rhodesian mythology of heroic Empire".²⁶ He believed it was imperative to settle the empty lands of the Empire with British settlers who would carry with them the culture of, and allegiance to, the "mother country." His boyhood experiences growing up on the African Veld shaped these ideas which were later merged with a concern for the plight of pauper children in London's East End.²⁷ Fairbridge's address to the Colonial Club at Oxford illustrates this belief in the British Empire. In a passionate appeal for support he said: "Great Britain and Greater Britain are and must be one . . . this will not be charity, it will be an imperial investment."²⁸ Child emigration appealed to Fairbridge and his Oxford Colleagues as a logical extension of

²⁶ Michael Roe, "'We can die just as easily out here': Australia and British migration, 1916-1939", in Constantine, Emigrants and Empire., p.103.

²⁷ Gillian Wagner, Children of the Empire (London: Weidenfeld and Nicholson, 1982), pp.188-189.

²⁸ Kingsley Fairbridge, The Story of Kingsley Fairbridge (London: Oxford University Press, 1938), pp.173-174.

Cecil Rhodes' efforts in expanding the British Empire.

Prime Minister E.P. Morris was as enthusiastic about the proposal as the members who founded the society. In his autobiography, Fairbridge recounts that before seeing Morris in London, he consulted with a friend as to how much land he should request for his scheme. He thought five thousand acres would suffice, but his shrewd companion countered by saying that one should always ask for ten times more than you actually need. Taking this advice, Fairbridge approached Morris and asked for fifty thousand acres with river or ocean frontage. Prime Minister Morris is reputed to have replied, "Very Good . . . you shall have it--the best of the land that is open for settlement."²⁹ Morris received a written proposal the following month, November 1909. The proposal and a copy of Fairbridge's speech were sent to the local media. The Daily News voiced its approval devoting a half page to the scheme. The editor commented that the scheme had a "real imperial ring" to it, and proudly noted that Mitchell and Higgins, Rhodes scholars from Newfoundland, were among the founding members of the society.³⁰ The idea of Newfoundland doing its share for the good of the Empire appealed to no end. The paper quoted Fairbridge as saying that "the people of Great Britain are beginning to realize how important it is that the Anglo-Saxon population of all territories of the Empire should know

²⁹ Ibid., p.172.

³⁰ Daily News., November 25, 1909, p.4.

themselves to belong to one nation."³¹ Fairbridge stated the case best by saying that "the matter touches both our supremacy and our pockets---apart entirely from humanitarian considerations which are also important."³² The humanitarianism of the scheme seems to appear as only an afterthought. Such ideas were a logical extension of restrictive immigration policies enacted against Asians. In their view white supremacy in the colonies could only be protected by restricting non-white immigrants and encouraging an increase in population.

The idea of setting up agricultural colonies was not entirely new and had been raised in 1908. The Newfoundland view of such schemes was probably expressed best by Michael P. Cashin who, when discussing a similar emigration scheme, said: "the children in these orphanages would make good farmers, the class of farmer who would remain amongst us".³³ After an absence of decades, the prospect of young British pioneers growing up in the colony, being educated, and filling the interior, evoked nothing less than heartfelt approval by politicians and the media.

The government was prepared to offer Fairbridge the fifty thousand acres of land, a bonus of twenty dollars on

³¹ Ibid.

³² Ibid.

³³ Evening Chronicle, February 8, 1908, p.5. Cashin was an independent Member of the House of Assembly representing Ferryland.

cleared acreage, grants for two teachers' salaries, a school building, and any other reasonable request to facilitate the settlement. Prime Minister Morris was convinced that agricultural settlement could provide a comfortable living for children "in their thousands" over many years.³⁴

Despite the fact that the Newfoundland offer was the only one to appear for nearly three years, the scheme fell apart, and Fairbridge was never again able to receive terms as generous as those offered by Newfoundland. The colony apparently suffered from a poor image in Britain. This, along with some unfortunate circumstances, led to its being rejected on account of being too inhospitable.

The climate of Newfoundland posed the greatest problem for the proposal. Governor Sir Ralph Williams wrote in 1913 that the popular conception of Newfoundland in Britain was "of a very barren island inhabited by a few rough fishermen, where icebergs, polar bears, and walruses form the principal features."³⁵ Responding to such misconceptions, Fairbridge wrote Morris in November 1909 and told him that:

There is something of a prejudice in this country against Newfoundland. A very influential man, who is connected with many powerful associations over here, told me that the climate of your Island was deadly for children.³⁶

³⁴PANL, GN 8/1, file "Emigration Schemes", Morris to Fairbridge, Dec.4,1909.

³⁵ Williams, How I Became a Governor., p.405.

³⁶ PANL, GN 8\1, file "Emigration Schemes", Fairbridge to Morris, November 15, 1909.

The Newfoundland members of the society countered this statement, but Morris was requested to supply the society with letters from prominent doctors on the island to ascertain the climatic conditions and their impact on young children. Morris quickly composed a form letter which he asked doctors Keegan, Rendell, Fraser, Brehm, Anderson, and Shea, all graduates from British universities, to sign. The letters stated that:

I have no hesitation in saying that the climate is admirably suited and adapted to the rearing of children, and that I have known many cases in which children, who came here from the United Kingdom, Canada, and the United States, with delicate constitutions, to have been quickly built up by the salubrious and invigorating climate of Newfoundland.³⁷

Fairbridge replied in March 1910, that he was making good use of the letters in his push to get the farm established. However, he was facing a losing battle in convincing supporters to take up the Newfoundland offer. He had asked Lord Northcliffe to support his efforts in Newfoundland, but rather than securing a promising report he received a damming, if not a misleading representation of Newfoundland conditions.³⁸ He stated that Newfoundland has "six months of winter and a very intense summer . . . As for sending children there, you may not be aware that there is often a considerable

³⁷ Ibid., copy of form letter dated December 4, 1909.

³⁸ Alfred Charles Harmsworth, Viscount Northcliffe was a British Newspaper magnate and Chief Executive Officer of the Anglo-Newfoundland Development Company which constructed Newfoundland's first pulp and paper mill in Grand Falls in October of 1909.

amount of starvation among the inhabitants in winter."³⁹ It is somewhat ironic that five weeks previously Lord Northcliffe addressed a crowd in Botwood and extolled the opportunities that the island presented for Newfoundland's youth. In the same speech he urged young people to display a confidence in their country, and not to emigrate to Canada and the United States. His contradictory feelings for Newfoundland are also found in an earlier commentary "on the need for proper representation of the colony in England, so that misleading statements as to the climate might be corrected."⁴⁰

Fairbridge's zeal appears to have hindered his common sense in dealing with others in the child emigration field. He joined the "Children's Farmhouse Association" which was started by Elinor Close in 1902. Gillian Wagner suggests that Fairbridge was naive in not recognizing the inbuilt competitiveness of such charity groups. Fairbridge was informed of Close's planning activities, although she was unaware that he was attempting similar endeavours. The break between the two came when Close discovered that Fairbridge had canvassed her supporters for his Newfoundland scheme. Close quickly countered by ensuring that all her friends and supporters knew just how "unsuitable" Newfoundland was for

³⁹ Northcliffe to Fairbridge, December 2, 1909. Cited in Wagner, Children of the Empire., p.194.

⁴⁰ Daily News, October 26, 1909, p.6.

farm settlement.⁴¹ Despite government and public support, and the efforts of the two Newfoundlanders who were founding members of the society, Australia became the home of the first Fairbridge farm.⁴²

The Salvation Army, the Society for the Furtherance of Child Emigration to the Colonies, and to a lesser extent Reginald Enoch's colonization proposal, were attempts, or near attempts, to introduce desirable settlers to Newfoundland. Though each failed, government and media endorsement of such proposals illustrates how Newfoundland was available for settlement by the "right class" of people. The Chinese were not seen as permanent settlers. Along with other negative stereotypes, their reputation as sojourners made them undesirable. The colony wanted settlers, preferably British, who could develop the island, not those who would enter the labour market and move on to the mainland once an opportunity arose. Such attitudes were reinforced by the Frolic incident in 1906. In October of that year Hong notes that approximately forty Chinese were smuggled to Rhode Island from Newfoundland aboard the yacht Frolic.⁴³ The following year it was reported in the St. John's press that seventeen Chinese had been smuggled to Nova Scotia and were jailed for non-payment of the

⁴¹ Wagner, Children of the Empire., pp.194-195.

⁴² Fairbridge, The Story of Kingsley Fairbridge., pp.179-180.

⁴³ Hong, "To Take Action Without Delay", p.59.

head tax.⁴⁴ These incidents provided the foundations for later concerns that Newfoundland could become a staging ground for immigrants wishing to evade Canadian and American immigration laws.

Testimony given by Newfoundland officials to the Dominions Royal Commission of 1914(DRC)⁴⁵ provides a good summary of official attitudes towards immigration, attitudes which continued to prevail in the 1920s. Deputy Minister of Customs Henry W. LeMessurier and Deputy Colonial Secretary Arthur Mews presented memoranda and answered questions for the commission. Both officials stated that the colony needed settlers and that there was very little officially being done to attract immigrants. These officials repeatedly stated that farmers from the British Isles, notably sheep farmers, could make a good living in the colony. The colony wanted independent immigrants. Mews stated it best when he said: "The people we want are those who will take up new work, who will break new ground, who will develop new resources that are not developed now."⁴⁶ Agriculturalists from northern Europe were also desired because of their experiences in similar climatic conditions. But Mews noted that:

no inducements are offered by Newfoundland to

⁴⁴ "Appeal Chinese Case", Evening Chronicle, December 10, 1907, p.1.

⁴⁵ Great Britain, Dominions Royal Commission: Minutes of Evidence Taken in Newfoundland in 1914. London, 1915.

⁴⁶ Ibid., p.5.

immigrants to locate in the colony, nor has it any special laws encouraging or facilitating immigration. We have, however, enactments against undesirable immigrants.⁴⁷

When commissioners enquired why no inducements were offered, Mews could only answer that there was little use given the attractions to immigrants elsewhere in North America. To prove his contention, he cited the departure of a group of Swedish forest workers for Canada and the United States who had been imported to work at Millertown.⁴⁸ So, not only did Newfoundland compete for immigrants, it had to compete to retain them once they arrived. It is likely that the steady emigration of Newfoundlanders to mainland North America enhanced the sense of futility expressed by local officials.

At first sight, after reviewing the existing legislation, it seems that Newfoundland officials and politicians directed much of their efforts at excluding undesirables, rather than the recruitment of desirable types of settlers. Although officials stated that no inducements were offered to prospective immigrants by way of legislation, there was definitely a clear dichotomy in policy. Efforts during the Morris administration show that desirable immigrants could be offered a wide range of incentives. However, government reaction to the prospect of undesirable immigration was much more immediate, forceful, and took the

⁴⁷ Ibid., p.4.

⁴⁸ Ibid., p.3.

form of legislation aimed at deterring any such "influx."

While the testimony of officials at the DRC appears to be defeatist and apathetic, the actions of the government during the previous five years show that such ideas evolved from continued disappointments. Before 1914, Newfoundland appeared to be a "poor cousin" compared to other North American destinations for desirable European immigrants. The 1906 experience had shown that the island's proximity to the North American mainland could become a problem in attracting unwanted foreigners. It might therefore be argued that during this early period of immigration legislation that the level and type of the colony's immigration, as well as immigration policies, were largely dependent upon variables outside of its control. This reality became all the more apparent during the years following the First World War.

Chapter Two

The Closing of a Continent

The object of this bill is to get rid of the burden often placed on this country of having to feed and otherwise support undesirables from foreign lands.⁴⁹

Newfoundland's prewar immigration experience established patterns which continued into the 1920s. Thousands of Newfoundlanders continued to migrate either permanently, or on a seasonal basis to Canada and the United States. Immigrants from the "mother country" were unobtainable, and with the exception of the Humber pulp and paper development, capital was slow to appreciate the "manifold attractions" that the colony had to offer.⁵⁰ All of the existing legislation, with the exception of the Disembarking of Paupers Act, was reactionary, having occurred at a moment of crisis, and focused on exclusion rather than recruitment. The radical changes in North American immigration policies after the war decisively ended mass immigration. Ethnic and political suitability became the key criteria for entry. Newfoundland was caught in the middle of these changes. As a country of potential immigration, at least in theory, and of emigration

⁴⁹ Proceedings of the House of Assembly (St. John's: 1924, p.269).

⁵⁰ As a part of the Government's hope in attracting tourists and capital, primarily from the United States and Canada, a publicity book written by H. M. Mosdell was published just after the war. See H. M. Mosdell, Newfoundland: A Country of Infinite Possibility and Manifold Attractions.

in practice, the changes in policies of the colony's neighbours by necessity influenced the Newfoundland experience. This chapter will examine these changes, their impact on emigrating Newfoundlanders, on the colony's pattern of immigration, and the response to these changes by local officials.

As with many countries, Newfoundland's war experiences did nothing to improve the image of foreigners amongst members of the native population. Between 1914 and 1918, enemy aliens, even those who had become naturalized British subjects were interned. Citizens of neutral countries that came under scrutiny were deported or eventually harassed into leaving the colony. Suspicion and paranoia concerning Newfoundland's use as a spy base and German knowledge of the coastline fuelled anti-alien sentiment.⁵¹ The animosity and hatred which had been exploited on the home front was not easily forgotten. In July 1920, Newfoundland followed the lead of Great Britain, Canada, Australia and other members of the Empire in passing legislation to restrict immigration from former enemy countries. The act, officially entitled, "An Act Concerning Former Enemy Aliens," barred from entering for three years all citizens of Germany, Austria, Hungary, Bulgaria, and Turkey.⁵² But in general, up until 1924, Newfoundland was

⁵¹ See Bassler, "The Enemy Alien Experience in Newfoundland 1914-1918."

⁵² Acts of the General Assembly of Newfoundland (St. John's: J.W. Withers, 1920), p.135.

more concerned with policy developments on the mainland and their potential impact on the movement of Newfoundland labour. It is within these five years after the war that immigration legislation fundamentally changed the terms by which immigrants could enter the continent.

Postwar adjustments in Canada and the United States precluded large-scale immigration. The return of soldiers to civilian life seeking reintegration into the an uncertain economy, labour unrest, social Darwinism, nativism and the Red Scare all created a distinctly anti-immigrant atmosphere. This popular sentiment was translated into legislative barriers against further mass immigration, and more convenient mechanisms for arbitrary deportations of those already in the country.

For both immigration and labour history in Canada 1919 was a watershed year.⁵³ Bryan Palmer notes that there were over 320 strikes fought during that year, including the Winnipeg general strike.⁵⁴ Militant trade unionism and the growth of socialist movements, largely attributed to European immigrants, shook the country to its foundations. Immigration historian Irving Abella asserts that "never before had the

⁵³ For an analysis which combines both perspectives see Donald Avery, 'Dangerous Foreigners': European Immigrant Workers and Labour Radicalism in Canada, 1896-1932 (Toronto: McClelland and Stewart, 1979).

⁵⁴ Brian D. Palmer, Working Class Experience: The Rise and Reconstitution of Canadian Labour, 1800-1980 (Toronto: Butterworth and Co., 1983), p.173.

labour movement been as militant and the foreigner so unpopular."⁵⁵

Nativism among the dominant ethnic groups resulted in demands for cultural and linguistic conformity. Among Quebecois any further non-francophone immigration was viewed as a serious threat to their culture, religion, and political power.⁵⁶ Social and economic unrest fuelled nativist fears that the Anglo-Saxon (or French in the Quebec case) nature of the country was being undermined by newcomers from eastern and southern Europe. These "new" immigrants were looked upon by the popular press, nationalists, and eugenicists as inferior to the pioneer stock from northwestern Europe and the British Isles who had built the country. The war terminated the greatest movement of European settlers to mainland North America. These settlers were then exposed to the exaggerated fears and suspicions of Canada's home front. After 1917 these fears were then directed towards Bolshevism. Clifford Sifton's "stalwart men in sheepskin coats" who had opened up western Canada were no longer considered as acceptable settlers.⁵⁷

⁵⁵ J.L. Granatstein, Irving M. Abella, et al, Nation: Canada Since Confederation (Third edition, Toronto: McGraw-Hill Ryerson, 1990), p.359.

⁵⁶ Michael D. Behiels, Quebec and the Question of Immigration: From Ethnocentrism to Ethnic Pluralism 1900-1985 (Ottawa: Canadian Historical Association, 1991), pp.5-6.

⁵⁷ As Minister of the Interior, Sifton was in charge of immigration from 1896-1905 and commenced large scale recruitment of northern and eastern European agriculturalists to settle the prairies. See Harold Troper, Only Farmers Need Apply: Official Canadian Government Encouragement of Immigration From the United

Furthermore, a change in popular attitude meant British Columbia, after decades of trying, finally succeeded in pressuring the federal government to legally exclude the Chinese from the country.⁵⁸ Freda Hawkins suggests that the country's social tension was the product of narrow and inward-looking societies recovering from a horrific war.⁵⁹ To be sure, Hawkins is partly correct, but labour radicalism and an economic recession had as much an impact as the social adjustments of returning to a peace time society.

The shift in Canadian policy entailed not only immigration restrictions, but as Barbara Roberts has illustrated, a concerted effort to deport those already in the country who did not meet the changing criteria of suitability. Legal and illegal methods were used by the Immigration Department to "shovel out" immigrants who were labour organizers and members of "radical" organizations, such as the Industrial Workers of the World. In the years immediately after the war, Roberts argues that "this active deportation work was carried out at a level of thoroughness that would not

States, 1896-1911 (Toronto: Griffen House, 1972) and Mabel F. Timlin, "Canada's Immigration Policy, 1896-1910," The Canadian Journal of Economics and Political Science, Vol. 26. No.4 (November, 1960). pp. 517-532.

⁵⁸ In June of 1923 the Chinese Immigration Act was expanded to exclude, with few exceptions, all Chinese, regardless of nationality, from entering Canada. This act was not rescinded until 1947. Evolution of the Immigration Act., pp. 19-20.

⁵⁹ Freda Hawkins, Critical Years in Immigration: Canada and Australia Compared (Montreal: McGill-Queen's University Press, 1989), p.28.

be exceeded until the police raids on communists in the early 1930s."⁶⁰ The Immigration Department may not have always acted in accordance with the statutes it was supposed to operate under, but the bureaucrats did act in accord with public sentiment. As Roberts notes: "If the 'general public' refers to everybody except trade union activists, leftists and reformers, and most recent immigrants, then the general public seemed to care little about what the government did to the excluded."⁶¹

Canada's 1919 amendment to the Immigration Act of 1910 was exactly what restrictionists wanted. The act included an expanded definition of "subversives" which was added to a more extensive list of medically and socially unacceptable classes of immigrants. Under section 38 (c) the Governor-in-Council was empowered to make proclamations or orders which could establish prohibitions based on nationality or race, class or occupation, if immigrants were:

. . . deemed unsuitable, having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within

⁶⁰ Barbara Roberts, Whence They Came: Deportations From Canada 1900-1935 (Ottawa: University of Ottawa Press, 1988), p.72.

⁶¹ Ibid., p.74.

a reasonable time after their entry.⁶²

Such wide ranging discretionary powers provided flexible controls which could be implemented when necessary, or relaxed when labour was in short supply. Donald Avery argues that after the strikes of 1919 "increasingly, the Immigration Act reflected not the high ideals of a self-proclaimed homeland but the view that the 'foreigner' was an agent of social and economic turmoil."⁶³ Canadian legislators, with the exception of Quebecers, vainly hoped that the country could be filled with British settlers, especially returned soldiers sponsored by the Overseas Settlement Committee in London.⁶⁴ By June 9, three days after the passing of the 1919 act, three Orders-in-Council were passed specifically restricting immigrant groups. P.C. 1202 prohibited the entry of skilled and unskilled labour into British Columbia. P.C. 1203 prohibited former enemy aliens from entering the country. P.C. 1204 prohibited from entry Doukhobors, Hutterites and Mennonites.⁶⁵ P.C. 183 of 1923 terminated the entrance of industrial workers by allowing only agriculturalists, domestics, and close relatives to

⁶² "Act of the Government of Canada to Amend 'The Immigration Act'," as cited in British and Foreign State Papers 1919, Vol.112 (London: His Majesty's Stationary Office, 1922), pp.691-692.

⁶³ Avery, Dangerous Foreigners., p.13.

⁶⁴ This committee was formed after the final report of the Dominions Royal Commission.

⁶⁵ Evolution of the Immigration Act., p.9.

immigrate. However, preferred immigrants exempted from this order were citizens of the white dominions and colonies and U.S. citizens.⁶⁶ Immigration policy priorities became a three-tiered system of preferred, non-preferred, and excluded groups. By 1923 Canada had effectively turned its back on many of the groups who had been responsible for the opening of the west and for much of the country's prewar growth. Instead, Immigration officials embarked on a program of rigid ethnic, cultural, class, and ideological selectivity.

Anti-immigrant sentiment had been burgeoning in the United States since the first decade of the century. The Dillingham Commission (1910) gave voice to the eugenics movement by what Kitty Calavita calls "immigrant scapegoating." As in Canada, the "new" immigrants from eastern and southern Europe were classed as racially and intellectually inferior to the "old" immigrants from western and northern Europe.⁶⁷ Maldwyn Jones points to the growth of organized nativism in the early 1920s as a considerable force in setting the post-war immigration agenda. Jones suggests that anti-Semitism and "virulent" anti-Catholicism were responsible for the "astonishing" growth of the Ku Klux Klan, which reached its peak membership in 1923 of approximately two

⁶⁶ Gerald Dirks, Canada's Refugee Policy: Indifference or Opportunism? (Montreal: McGill-Queen's University Press, 1977), p.42, and Evolution of the Immigration Act, p.10.

⁶⁷ Kitty Calavita, U.S. Immigration Law., pp.113-114. The commission was established in 1906 and was chaired by Senator William P. Dillingham of Vermont.

and a half million Americans.⁶⁸ The necessity for ethnic and cultural homogeneity became the racial arguments for restrictions. The great American melting pot, in the eyes of many U.S. Congressmen, was a failure. Robert A. Divine argues that restrictionists "attempted to show that racial purity was essential for the preservation of both nationalism and democracy in the United States."⁶⁹ Limitations based on national origins of immigrants appeared to be the only way to satisfy these arguments.

In much the same way as its northern neighbour, the United States took definite action only when economic pressures were coupled with negative-stereotypes. Widespread deportations of trade unionists and socialists began in 1919, but did little to mollify American capitalists who feared worker politicization and the seemingly prominent role that immigrant labour was having on this process. Calavita argues that the perception in Congress after the war was that, "the most unforgivable sin of recent immigrants was their potential for dual loyalty and industrial disruption."⁷⁰ Preliminary restrictions in 1917 included a literacy test, more stringent medical suitability, and the deportation and exclusion of "subversives." From 1919 to 1923 there were dozens of proposed

⁶⁸ Maldwyn Allen Jones, American Immigration 2nd ed. (Chicago: University of Chicago Press, 1992), pp. 235-236.

⁶⁹ Robert A. Divine, American Immigration Policy, 1924-1952 (New York: Da Capo Press, 1972), p.14.

⁷⁰ Calavita, U. S. Immigration Law., pp.116-117.

bills concerning the absolute suspension of immigration, deportations, and quota limits based on nationality.⁷¹ In May 1921 the U.S. Congress established a quota system based on admitting three percent of each nationality present in the United States as recorded in the census of 1910.⁷² This measure was judged insufficient by restrictionists who wished to exclude southern and eastern Europeans who had been arriving in the country since before the turn of the century.

The gates to the country and in the minds of legislators, the pandora's box full of radical immigrants, was finally shut in July of 1924. A new quota act was passed with overwhelming majorities in both the House of Representatives and the Senate.⁷³ The quota was limited to two percent of each foreign born nationality residing in the United States as recorded in the 1890 census.⁷⁴ As the table in Appendix (E) shows, the changes to the 1921 act represented a severe blow to hopeful immigrants from all but a few select countries. Immigrants from Canada, Newfoundland, Mexico and Cuba, were exempt from the quotas. But as many Newfoundlanders soon found out, they had to pass a literacy test to receive a visa, and were liable to deportation regulations once they arrived in

⁷¹ E.P. Hutchinson, Legislative History of American Immigration Policy 1789-1965 (Philadelphia: University of Pennsylvania Press, 1981), pp. 172-187.

⁷² Divine, American Immigration., p.5.

⁷³ Ibid., p.17.

⁷⁴ Ibid., pp.179, 193-194.

the country.

Newfoundland was keenly aware of the changing circumstances on the continent. The local media followed the debates over restrictions and reprinted numerous articles on the subject from American and Canadian newspapers. The position of Newfoundland emigrants in relation to Canadian and American policy changes remained one of the most compelling concerns among the colony's legislators after the war. Although the anti-alien sentiment which was behind much of North American legislation in no way included "Britain's oldest colony", labour unrest could rapidly negate any preferential distinctions.

Newfoundland's integration into the North American labour market in the nineteenth century had been firmly established by its geographical proximity to its larger and more prosperous neighbours. However, to the constant anxiety of Newfoundland politicians and bureaucrats, the establishment, evolution, and expansion of immigration controls in both countries placed this tradition in doubt. Monetary and literacy tests could be levied at any time by Canadian and American authorities. Peter Neary has shown that the colony was used as a convenient labour pool to be utilized according to the demands of the Canadian labour market. When labour was needed in the Cape Breton coal fields, the fishery, the construction industry, or in domestic service, entry was almost guaranteed, as long as an immigrant had no physical or

mental deficiencies. In repeating a policy, that by official recollection had existed since before 1912, F.C. Blair of the Canadian Immigration Branch notified W.B. Nicholson, Canadian Trade Commissioner in St. John's, that:

While technically Newfoundlanders do not hold any right to land in Canada which is not held by any other people born outside of Canada, in other words while all Newfoundlanders are subject to the provisions of the Immigration Act in the usual way, it has been our policy in the past and will continue to be, to treat native born citizens of Newfoundland very much as we treat our own people.⁷⁵

However, during times of unemployment Newfoundlanders found that they could be treated, not as honorary Canadians, but, as the Glace Bay Gazette distastefully described it, "on the same basis as the scum and lowest dregs of the population of Europe."⁷⁶ Newfoundland Prime Minister Richard A. Squires became alarmed at new regulations passed in November 1920, requiring labourers, among others, to possess two hundred and fifty dollars for entry. He promptly expressed his concern to W.W. Cory, Acting Deputy Minister of Immigration.⁷⁷ Reflecting that there had been a "free exchange of labour" between Newfoundland and Sydney in the past, he stated that:

I take it for granted that your immigration law which requires certain deposit on entering Canada

⁷⁵ Public Archives of Canada, RG-76, Records of Immigration Branch, hereafter RG-76, Vol. 595, file 851889, pt.1. Blair to Nicholson June 26, 1919.

⁷⁶ Ibid., "Putting a Head Tax on Newfoundlanders", clipping of article reprinted from the Glace Bay Gazette.

⁷⁷ Neary, "Canadian Immigration Policy," p.74.

is not intended in any way to restrict this normal labour condition and that Newfoundland miners journeying to and from Cape Breton are not subject to any money regulations.⁷⁸

Squires pursued the matter further, by bringing his complaint to Canadian Prime Minister Arthur Meighen. It was promised that his complaint would receive "careful consideration."⁷⁹ After cautious deliberation by Canadian officials, J.A. Calder, Minister of Immigration, replied to Squires some five months later. Calder repeated the idea that Newfoundlanders had been treated "very much like Canadians" in the past. He then noted that the monetary test would be applied only in "extreme cases" and reasserted Canada's right to exclude unwanted immigrants, including those from Newfoundland.⁸⁰ The following month, June 22 1921, it was reported in the Sydney Herald that in the first part of that week almost one hundred Newfoundlanders had been sent back to the "ancient colony."⁸¹ By the end of the week, Justice Minister William R. Warren reported to Prime Minister Squires that the number refused entry neared two hundred.⁸² Squires, likely disappointed by

⁷⁸ RG-76, Vol. 595, file 851889, pt.1. Squires to Cory, December 22, 1920.

⁷⁹ Neary, "Canadian Immigration Policy," p.74.

⁸⁰ Ibid., J.A. Calder to R.A. Squires. May 7, 1921.

⁸¹ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)." Clipping from North Sydney Herald attached to letter, Robert Squary to R. Warren, June 23, 1921.

⁸² PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)" Warren to Squires. June 17, 1921 (sic).

his failure to secure equal terms of entry, did not pursue the issue with Canadian authorities. All that Justice Minister Warren could suggest was to notify the Reid Newfoundland Company not to send men over until the situation changed.⁸³ In justifying his decision for restricting access at North Sydney, immigration inspector Mitchell pointed to unemployment and labour unrest in the steel industry as his major concern.⁸⁴ The same rationale was likely employed in the denial of entry at North Sydney of two "labour agitators" from Bell Island. The two men, identified only as Skanes and Humber, protested their treatment by Canadian authorities to Colonial Secretary Halfyard; however nothing was done on their behalf.⁸⁵

The previous year, 1920, Newfoundland scab labour was also denied entry. Tom Moore, president of the Canadian Trades and Labour Congress raised the possibility to F.C. Blair, of strike breakers being imported by the Reid Newfoundland Company for dock work. Blair confirmed that the company had asked for such permission, but it was flatly refused. Blair assured Moore that the immigration officer in North Sydney was

⁸³ It is likely that Mews is referring to the Railway's role as a carrier of sojourners and prospective immigrants than as a broker for Newfoundland labour.

⁸⁴ RG-76, Vol. 595, file 851889, pt.1. Mitchell to Commissioner of Immigration, Eastern District. June 16, 1921.

⁸⁵ PANL, GN 13/2/A, box 227, file "(Immigration (1921-1926))." W.W. Halfyard to P.J. Summers. 3 November, 1923, Summers to Halfyard. 5 November, 1923.

watching the matter closely and that Newfoundlanders would not be admitted "unless they comply in the fullest possible way with the immigration regulations."⁸⁶ Obviously a year after the infamous Winnipeg general strike, the government had no intention of risking actions which could repeat such outbreaks of civil disturbance.

In 1922, the U.S. Department of Labour Immigration Service was also compelled to address concerns with Newfoundland labour. Complaints by trade unions in Boston precipitated an investigation of Newfoundland immigrants. Of special concern was whether or not they were violating the contract labour prohibition of the U.S. Immigration Act, which was in place to prevent companies from importing cheap labour. The report's characterizations of Newfoundland immigrants, in this case carpenters, compare closely to a similar investigation of Newfoundland fishermen in Lunenburg, Nova Scotia, carried out in the late 1930s.⁸⁷ In both cases Newfoundland labour was preferred by businesses to the acrimony of local unions forced to compete in the labour market. The Boston carpenter's union had been involved in a dispute with the local builders association over wages since January 1920. Four contracting companies -- Stone and Webster, Coleman Brothers, W.F. Kerns, and Aberthaw Co., were accused

⁸⁶ RG-76, Vol. 595, file 851889, pt. 1. F.C. Blair to Tom Moore July 2, 1920.

⁸⁷ See RG-76, Vol. 595, file 851889, pt.1.

of encouraging Newfoundlanders to emigrate by offering immediate employment upon arrival. The union feared a split of the labour market, with Newfoundlanders being used to drive down wages. Inspector Ambrose reported that:

Stone and Webster has already made threats to run open shop and the general opinion is that if enough of these carpenters come here, (some of them are not even carpenters within the meaning of the term) a move for a wage cut will be started.

The Aberthaw Co. has at present a large contract in Portland, Me. and is in need of just such rough carpenters as are coming here from Newfoundland and it would appear that a very close examination should be made in an attempt to connect some of these applicants with the above named contractors.⁸⁸

This report resulted in large numbers of Newfoundlanders being refused entry at the American border. Deputy Colonial Secretary Arthur Mews protested this move and cited the expense incurred by those having to return home. U.S. Commissioner of Immigration John Crane supported the decision made by his inspectors to exclude the carpenters. Crane dismissed Mews' complaints stating that:

It is respectfully suggested that it would be most beneficial to our own service at times if the Deputy Colonial Secretary manifested the same anxiety with regard to citizens of Newfoundland who are ordered deported from the United States, for, in numerous instances, the Government of Newfoundland has refused to permit its own

⁸⁸ National Archives and Records Administration, Washington D. C., hereafter NARA. RG 84, Records of Foreign Service Posts of the Department of State, St. John's Consulate. Vol. 99, file 855. Thomas Ambrose to Inspector in Charge, Saint John, N.B., June 7, 1922.

citizens to return thereto.⁸⁹

With his protests falling on deaf ears at the U.S. State Department and Department of Labour Immigration Service, Mews could only warn intending migrants of the stricter enforcement of U.S. regulations. He issued a Public Notice on June 22, 1922, quoting excerpts of U.S. immigration regulations and most importantly, the full text of the contract labour prohibition.⁹⁰

Commissioner Crane's reference to deportations is indicative of American and Canadian attitudes towards Newfoundland. In light of preferential treatment given Newfoundlanders, either by statute or practice, complaints from the colony over "unfair" deportations were ignored. Newfoundland's dependence on the labour market placed it in a vulnerable negotiating position when it came to arguing more liberal entrance criteria. Moreover, the deportations issue clearly illustrates what little influence officials in St. John's could have in changing the restrictive immigration policies of its larger neighbours.⁹¹

The flurry of changes in Canadian regulations caused concern for groups other than Newfoundland's migrant labour

⁸⁹ Ibid., John Crane to Commissioner General of Immigration, June 27, 1922.

⁹⁰ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)".

⁹¹ For examples of correspondence regarding deportations of Newfoundlanders see PANL, GN 2/5, "Colonial Secretaries Special Files," files 447, 494, 439.

force. In December 1921, as a result of changes in visa regulations, Newfoundland was solicited to accept a few hundred immigrants who were refused entry into Canada. The shipping companies at Antwerp responsible for the immigrants requested that the British passport control officer in Brussels issue visas for Newfoundland.⁹² Secretary of State for the Colonies, Winston Churchill, sent the request to Governor Alexander Harris for the Government's consideration and noted that no action would be taken until there was a decision on the matter.⁹³ Harris relayed the request, along with his own views on the subject, to Prime Minister Squires. He replied that:

. . . [the] Ministers are in entire accord with your excellency's view that it is most undesirable for emigrants, and particularly alien emigrants, to be admitted to Newfoundland at this time, when it is becoming increasingly difficult for even our own people to find employment.⁹⁴

The closure of North Sydney to Newfoundland labour only added to the unemployment situation. If times had been better Newfoundland officials might have been inclined to allow "alien emigrants" to enter the colony. The Canadian Government appeared to care little about any benefit immigrants might offer Newfoundland. It is very likely that any positive response to the request by Newfoundland legislators would have

⁹² PANL, GN 1/3/A, 1921, H.S. Westmacott to Passport Control Department, Foreign Office, October 4, 1921.

⁹³ Ibid., Churchill to Harris, November 1, 1921.

⁹⁴ Ibid., Squires to Harris, November 1, 1921.

likely been reversed by Canada's protests. Churchill informed Canadian Governor General Lord Byng of the proposal when it was under consideration by the Newfoundland Government. The Canadian response to the proposal, which was forwarded to Newfoundland via Churchill, was quite clear on the matter. The Canadian Immigration Branch was of the opinion that this, or any other movement of European immigrants to Newfoundland, would represent the intention of such immigrants to make Canada their final destination. He went on to say that:

If a movement of these people takes place to Newfoundland, it would compel the adoption of a more rigid inspection of passengers travelling between Newfoundland and Canada . . . it is intimated that the Immigration Department will absolutely exclude all continental immigrants who land in Newfoundland and later seek entry to Canada.⁹⁵

It appears that from this time onward, Newfoundland could be limited from accepting immigrants of its own choosing, if Canada viewed them as potential undesirables under Canadian regulations. In a draft of a letter sent directly to Byng, rather than via the Foreign Office, Governor Harris assured him that in no way would Newfoundland condone attempts by "agents to encourage emigrants to evade Canadian regulations."⁹⁶

Before 1924, the year the U.S. immigration quota act was expanded, there appears to be very little material regarding

⁹⁵ Ibid., Byng to Churchill, November 17, 1921.

⁹⁶ Ibid., draft of letter from Harris to Byng, December 27, 1921.

official American attitudes towards Newfoundland immigration policy. However, the bureaucratic obligations that enforcement of the 1924 act placed on consular officials generated a volume of documentation which was previously absent. As well, the lack of documentation for the early part of the decade suggests that concern over the immigration policies of a small British colony amidst a fishing ground was a low priority. Sharing the "largest undefended border" in the world with Canada meant that there were always higher priorities.

While Canada and the United States competed for choice immigrants, and squabbled between each other, they also shared a common interest when it came to Newfoundland. The exclusion and deportation of Newfoundlanders who were criminal, illiterate, afflicted with tuberculosis, or venereal disease, or those who had merely become a public charge were a constant concern to both countries. Later events in 1925-26 would expand Canada-U.S. cooperation in matters concerning Newfoundland even further.

One marked difference in the way Canada and the United States treated Newfoundland immigrants is that Canada usually waived the literacy test. This caused problems for Canadian officials in Yarmouth, Nova Scotia and other international points of crossing which dealt with Newfoundlanders who had been turned back by American immigration inspectors. In a letter to F.C. Blair, U.S. Immigration Commissioner J.H. Chalk stated that he had talked with Newfoundland Deputy Colonial

Secretary Arthur Mews who assured him that prospective immigrants would be forewarned of U.S. requirements. The Public Notice issued by Mews in June 1922 neglected to mention the literacy requirement and focused more on the contract labour clause. The notice responded to U.S. labour regulations precipitated by the Boston union complaints. Chaulk wrote to Blair and said that he was pleased that "with the further assistance of your own agent at North Sydney" the flow of ineligible immigrants would be "reduced to a minimum."⁹⁷ While such cooperation appears nominal, it is noteworthy that even before the severe tightening of American legislation there had been a precedent in jointly supervising emigration from Newfoundland.

While "sullen resentment," as Peter Neary suggests, was one response of the Newfoundland Government to the changes in North American immigration policies, as well as complaints of unfair treatment from time to time, there was also a clear response in the shape of new legislation.⁹⁸ Three months after the United States passed the revised quota act in 1924, the Newfoundland legislature began debate to expand its power to exclude and deport undesirable immigrants. The amendment to the Disembarking of Paupers Act was aimed, as Minister of Justice W.J. Higgins stated, at getting "rid of the burden

⁹⁷ RG-76, Vol. 595, file 851889, pt.1. J.H. Chaulk to F.C. Blair. October 9, 1922.

⁹⁸ Neary, "Canadian Immigration Policy," p.81.

often imposed upon this colony of having to feed and otherwise support undesirables from foreign lands."⁹⁹ This was understandable considering that there had always been a small traffic of deserting seamen or passengers left behind by vessels in Newfoundland ports. However, the underlying cause of the act was the tightening of controls on the continent. Higgins went on to mention that "of late it has been practiced by people on their way to the United States, and having been refused admission often find their way here, and become a charge on us."¹⁰⁰ While this "by-product" of U.S. restrictions was a direct effect of tougher controls, the debate in the House of Assembly also provided an opportunity for politicians to voice their anger over restrictions which hampered Newfoundland labour from entry on the continent. Expressing his outrage, as well as nativist sentiment, Colonial Secretary J.R. Bennett stated that:

The treatment accorded our workmen when they seek entry to the United States . . . is appalling, it is certainly a great contrast to the treatment given strangers coming here. These strangers often times not only receive better wages than our own, but they become domineering and insulting.¹⁰¹

In the midst of his criticism of U.S. policy, Bennett vindictively charged that it was "a shame that while we are

⁹⁹ Proceedings of the House of Assembly. (St. John's: Evening Telegram, 1924), p.269.

¹⁰⁰ Ibid.

¹⁰¹ Ibid., pp 269-270.

being discriminated against we admit all and sundry without question, even when they are coming here to elbow our own out of positions."¹⁰² Perhaps William W. Halfyard, now opposition member for Trinity, described the situation best when he lamented that while Newfoundland received very few immigrants, "it would be a very desirable thing to have some protection."¹⁰³

The amendment was passed the following day. It empowered the Minister of Justice to expel anyone not born in the colony who had become a public charge for physical or mental reasons, or been convicted of a criminal offence. In addition to the formentioned categories, the Minister of Justice could expel anyone who in his opinion was "undesirable."¹⁰⁴ In much the same way as Canada's 1919 act, these wide-ranging discretionary powers provided flexible controls which could be changed from situation to situation.

The amended Disembarking of Paupers Act was directly a result of North American restrictions. There were two clear motivations for this legislation: to prevent Newfoundland from becoming a "dumping ground" for immigrants refused entry elsewhere, and to arm the Customs Department with the ability to deport aliens, whether in retaliation for similar

¹⁰² Ibid., p.270.

¹⁰³ Ibid., p.271.

¹⁰⁴ Acts of the General Assembly of Newfoundland (St.John's: David R. Thistle, 1924), pp. 70-73. See Appendix (C).

procedures involving Newfoundlanders or to protect the local labour market. The attempt in 1922 to bring immigrants into the colony who had been refused entry into Canada illustrated how Canadian authorities could pressure the colony to accept the established North American standards for "undesirables." A dependency on the North American labour market, and a poor bargaining position caused by the small number of Canadians and Americans immigrating into the colony, assured compliance with more stringent standards. The American Quota Act of 1924 was a signal to Newfoundland legislators that the colony was in jeopardy of receiving, and possibly supporting, immigrants unable to gain acceptance elsewhere. This was the colony's first response to the changing entrance criteria on the North American mainland, but not its last.

Chapter Three

Immigrant Smuggling and the "influx" of 1925

The newly amended Disembarking of Paupers Act (1924), together with the Aliens Act (1906) and the Chinese Immigration Act (1906), appeared to offer Newfoundland a comprehensive body of legislation for controlling immigration. The arrival of a small group of European immigrants to the colony in 1925 provided an opportunity to test just how well the legislation could operate. This "influx" also revealed how the American and Canadian governments viewed immigration to Newfoundland. The intention of Justice Minister Higgins' newly acquired discretionary powers of deportation was to ensure that the island's welfare roles were not unnecessarily burdened as a by-product of North American restrictions. However, this ignored the fact that new restrictions on the mainland intended to exclude immigrants on the basis of their ethnic, cultural, and political ideology, not on the basis of wealth.

As early as January 1925, only five months after the amendment to the Disembarking of Paupers Act was passed, serious doubts were raised about the ability of Newfoundland's immigration legislation to prevent undesirable immigration. The Canadian Immigration Commissioner in North Sydney drew to the attention of Colonial Secretary J.R. Bennett "the fact that quite a number of undesirables were entering Canada

through Newfoundland."¹⁰⁵ The commissioner had asked for Newfoundland's cooperation in this matter; however, little seems to have been done concerning this request. At that time Bennett did not share the Canadian official's concern that Europeans were entering Canada via Newfoundland, but was more worried that Canadian labour "of other nationalities" might be attracted to the pulp and paper development in Corner Brook. The Humber development had brought both coveted employment to the island along with skilled labour from outside the country which took up many of the more lucrative positions. This created a certain animosity with local labour that continued after the mill began operation.¹⁰⁶ Bennett's concern was likely motivated by the fact that the vast majority of foreigners employed on the project were imported from Canada. Immigration from Europe, on the other hand, had continued to be minimal. The sponsored relatives of Newfoundland's small Jewish and Syrian communities were the only recognizable group of "non-traditional" newcomers.

But within the next few months, for the first time in more than seventy years, Newfoundland became an attractive

¹⁰⁵ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)", Bennett to Higgins, January 21, 1925.

¹⁰⁶ Figures tabled in the House of Assembly showed Newfoundlanders receiving 65% of the monthly wages paid at the Newfoundland Power and Paper Company. However, the average of Newfoundlanders employed in all departments of the company totalled 88.4%. Proceedings of the House of Assembly (St. John's: Evening Telegram, 1926), p.119.

destination for Europeans. In February of 1925, prominent St. John's lawyer F. Gordon Bradley, representing an American client, Frederick R. Lawrence, approached Justice Minister Higgins about the possibility of admitting a number of Lithuanians to Newfoundland.¹⁰⁷ Bradley related that Lawrence represented the Immigration Association of Lithuania and wished to bring two hundred men into the colony. The men were said to be Christian, healthy and have "no criminals or undesirables amongst them."¹⁰⁸ Furthermore, the men were either "woodsmen, lumbermen, furriers or farmers" and have in their possession at least two hundred dollars, with some supposedly having over one thousand dollars. Bradley championed his client's plan and went on to say that:

It seems to me that this is too excellent an opportunity for us to miss. The acquiring of expert mechanics as needed in Newfoundland at present and in view of the industrial expansion which is now and will probably be hereafter taking place it will be a calamity if we are not able to meet their demand. It is well known to you and me that there has been a shortage of skilled labour of the above mentioned kinds during the past year or so and this shortage is likely to increase rather than to lessen unless we find additional men somewhere.¹⁰⁹

Higgins cited the Disembarking of Paupers Act in his reply. Noting his power as Minister of Justice under section 2(d) to

¹⁰⁷ Along with his private practice, F. Gordon Bradley was also a minister without portfolio in the W.S. Monroe administration representing the district of Port de Grave.

¹⁰⁸ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)", Bradley to Higgins, February 3, 1925.

¹⁰⁹ Ibid.

deport anyone he might consider undesirable, Higgins assured Bradley that this power would not be exercised "capriciously." It would only be used if there was something in a person's conduct that would cause complaints, such as being a "labour agitator" or "troublemaker."¹¹⁰

While on the surface this proposal appeared to have merit, other requests for information were of a much more dubious nature. In March, the Furness Withy Shipping Company forwarded to W.J. Higgins a confidential letter which they had received enquiring about Newfoundland's immigration laws. It questioned the terms by which Greeks or Italians might "visit" Newfoundland for a period of two to three months. As well, it asked if it would be necessary for the foreigner "to use his own name or could he book passage under whichever name he wishes."¹¹¹ The unidentified writer claimed that the information was needed for a client in the United States. The following month, June 1925, the Justice Department received yet another request concerning the immigration regulations of the colony. In a letter sent to the U.S. Consulate in St. John's, American lawyer John Abajian, stated that he represented a group of clients who wished to bring their relatives to Newfoundland. The reason for the enquiry was that: "under the present immigration law it is impossible to

¹¹⁰ Ibid., W.J. Higgins to G.F. Bradley, February 5, 1925. Also see Appendix (C).

¹¹¹ Ibid., J. Carey to W.J. Higgins, March 27, 1926.

bring them to the United States and it is just as impossible to bring them over to Canada . . . so they are desirous of bringing them to Newfoundland."¹¹² The nationality of the proposed immigrants was conspicuously absent from the request. The American Consulate was suspicious of the proposal, but forwarded the request to the Colonial Secretary's office, after the matter was reported to Washington for investigation. The response by the Newfoundland government was less than encouraging. After an explanation of the penalties, liabilities, and scope of Ministerial power under immigration legislation, Deputy Minister of Justice P.J. Summers cautiously advised that only after all the particulars of "each prospective immigrant" had been evaluated, the Justice Minister "may intimate that they will not be expelled when they arrive."¹¹³

Newfoundland officials cautiously greeted the sudden interest in the colony as a destination for immigrants. This change had not gone unnoticed however, and became a concern for North American immigration authorities. For whatever the reasons these groups of potential immigrants were interested in the colony, one thing was clear; in light of immigration restrictions elsewhere, Newfoundland was now the only

¹¹² Washington National Records Centre, hereafter NRC, RG-59 file 150.06 "Gevirtz and Norkus", J. Abajian to G. Barringer, June 12, 1925.

¹¹³ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)", P.J. Summers to Arthur Mews, June 26, 1925.

accessible landing point in North America.

The first substantial indication of a potential immigration "crisis" occurred in August of 1925 when Frederick Lawrence arrived in St. John's accompanied by a group of nine Lithuanian men and a female Red Cross nurse from Latvia. The ever vigilant American Vice Consul George Barringer immediately reported their arrival to his counterpart in North Sydney, and requested him to pass the information on to Canadian immigration authorities. The United States Quota Act of 1924 had changed one important feature of U.S. external relations in the Western hemisphere; the responsibility for screening immigrants was placed in the hands of the consular officials. Moreover, they were expected to watch groups of immigrants who might be attempting illegal entry into the United States. Barringer acted quickly and raised the alarm that Newfoundland could be used as "an immigrant smuggling base". He hoped to discover whether these immigrants would later land in Canada, possibly enroute to the United States.¹¹⁴ His suspicions were aroused by the increasing number of visa requests at the St. John's consulate. He reported that a group of Italians and one Bulgarian had approached him for visas. All were refused, including the Bulgarian, although he was a skilled industrial worker, having

¹¹⁴ National Archives and Records Administration, Washington D. C., hereafter NARA, RG-59 General Records of the Department of State Visa Division, Correspondence regarding Immigration, 1910-1939, box 28, G. Barringer to H. Dick, August 12, 1926.

worked at the Citroen auto works in Paris. Barringer blamed "the more active steps taken by Canadian Immigration authorities to prevent the landing of non-immigrant alien types in their country" as the reason for this increase in visa applicants.¹¹⁵

Two separate investigations of Lawrence's immigrants were initiated within weeks of their arrival. Newfoundland Constabulary Inspector General C.H. Hutchings had the new arrivals questioned, but found out relatively few details.¹¹⁶ Lawrence was uncooperative with Head Constable J. Bryne, and referred him to his lawyer F. Gordon Bradley. Bradley claimed to know very little other than what he had told Justice Minister when lobbying for the scheme: that the group had arrived to find work in various occupations.¹¹⁷ However, the second investigation initiated by the American Vice Consul uncovered considerably more details regarding Lawrence and his immigration activities.

By monitoring telegrams sent between St. John's and the United States and interviewing a relative of one of the immigrants, Vice Consul Barringer provided Washington with a

¹¹⁵ NRC, RG-59 150.06, file "Gevirtz and Norkus", Despatch no. 249, July 4, 1925.

¹¹⁶ It is not clear who ordered the investigation, but Hutchings was well acquainted with placing foreigners under surveillance from his experience in administering the St. John's internment camp during the First World War.

¹¹⁷ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)." J. Byrne to C.H. Hutchings, August 17, 1925.

sketch of the "immigrant smuggling scheme" which he was uncovering. He identified Lawrence not as a representative of the Immigration Association of Lithuania, as he told Bradley, but of the Boston Tourist Company. The American brother of Antans Sakalauskas, one of the Lithuanians, came to St. John's and provided details of the scheme. Lawrence had approached the prospective immigrants in Kovno, Lithuania through a shipping agent named Kostatnus Norkus. Sakalauskas reported that Lawrence had said that the Red Cross Nurse had paid him between one and two thousand dollars to gain entry into the United States. A signed receipt showed that Sakalauskas paid three hundred and twenty five dollars just for the trip to Newfoundland.¹¹⁸ Sakalauskas and his American brother eagerly helped with the investigation, both enraged that the trip had ended in Newfoundland. Barringer was unaware that Head Constable Bryne had questioned Lawrence on August 17, but reported that on that day Lawrence "suddenly" departed for Halifax, "leaving the various Lithuanians here virtually stranded."¹¹⁹

Lawrence returned to Boston, supposedly "perfecting arrangements" to smuggle the Lithuanians into the United States or Canada. The immigrants were also warned by telegram against revealing any information about Lawrence or the Boston

¹¹⁸ NRC, RG-59, 150.06 file "Gevirtz and Norkus", Despatch no. 267, September 7, 1926.

¹¹⁹ Ibid.

Tourist Company to local authorities.¹²⁰ Unlike the local authorities, the American Consulate was diligently collecting more information on the scheme, down to the details of Lawrence's overcharging the men for their accommodations at the St. John's Seamen's Institute. Apart from offering passage to the United States, it was reported to Barringer, that while in Europe Lawrence also claimed to be recruiting forest workers for Newfoundland, and that:

. . . his most flagrant mis-representation of himself is that of the owner of the vast power and paper mill project just completed on the West Coast by the Newfoundland Power and Paper Company, Limited . . . In general he might be classified as one of the many individuals of uncertain nationality but posing as American citizens who are constantly being reported to the American consular offices abroad as imposters and swindlers.¹²¹

What was most alarming to Barringer was the rumour that Lawrence was working to bring larger groups of Balts to Newfoundland. He called for a prompt investigation of Lawrence and the Boston Tourist Company by State Department authorities.

Barringer confronted the Colonial Secretary with his information on the scheme, however, Bennett knew very little of the immigrant arrivals. Bennett appeared quite concerned about the colony becoming "flooded with aliens." Barringer was so pleased with Bennett's support he confidently reported that

¹²⁰ Ibid.

¹²¹ Ibid.

had there been any legitimate deal with Lawrence to bring immigrants into the colony, it had been made with low level Immigration officials. Barringer believed that any decisions "on their part can be very easily upset by higher and more conscientious officials."¹²² As a senior minister in W.S. Monroe's administration, Bennett was indeed a considerable ally for the Vice Consul. Historian S.J.R Noel has described him as powerful "financially, socially, and politically" and a part of Monroe's "inner cabinet".¹²³

Barringer's understanding of the Colonial Secretary's views was correct as Bennett immediately sent a letter to Justice Minister Higgins. He expressed some concern over the issue and went on to say:

. . . the American Consul is of the opinion that the object is to smuggle these people into the United States . . . if this traffic grows to any proportions, do you not agree with me that it may become a serious matter for ourselves, insofar as the idea is being circulated that these people are coming to work in our lumber woods. It occurs to me that we know nothing of the class of people coming here and it may give us untold trouble if it grows to any proportions.¹²⁴

Representing a Conservative administration which was constantly being assailed by the opposition press as having

¹²² Ibid.

¹²³ S.J.R. Noel, Politics in Newfoundland (Toronto: University of Toronto Press), p.179. Noel describes Monroe's Conservative administration as an "anomalous mixture" of St. John's Tories, Catholics and supporters of former Prime Minister Richard A. Squires.

¹²⁴ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)", Bennett to Higgins, September 7, 1925.

"held sway over the workingmen of Newfoundland," Bennett was quick to realize the political implications of such unwanted immigration.¹²⁵ Higgins acted accordingly and four days later notified Bradley, that it was the belief of American and Newfoundland authorities that the purpose of their arrival was to smuggle "these people into the United States by some secret method."¹²⁶ Echoing Bennett's concern that they were looking for work in the city, he concluded that they were "evidently obtaining entry into this colony under false pretenses and may become a charge on the colony."¹²⁷

Justice Minister Higgins was prepared to use his power under the Disembarking of Paupers Act to have them deported. Bradley agreed and added that Lawrence had assured him that the immigrants could support themselves. Recently, however, he was compelled to wire Lawrence because several Lithuanians were found destitute. He had received no reply, and Lawrence did nothing to help them.¹²⁸ Assistant Collector of Customs Henry W. LeMessurier was informed of the Justice Minister's decision and assured Superintendent O'Neil of the Newfoundland Constabulary that "in future foreigners of this class will not be allowed to land until very careful examination has been

¹²⁵ The Daily Globe, March 13, 1926, p.9.

¹²⁶ PANL, GN 13/2/A, Box 227, file "Immigration (1921-1926)," Higgins to Bradley, September 11, 1925.

¹²⁷ Ibid.

¹²⁸ Ibid., Bradley to Higgins, September 15, 1925.

made regarding them."¹²⁹ O'Neil was instructed to look into the whereabouts of the immigrants and found seven of the nine employed in St. John's. Four were working at the Bell Island iron ore mine, one for a company called Lawrence Brothers, and the other two on the docks. It appears that most were deported as there are only references to two Lithuanians of that group still in the city the following year.¹³⁰

The American Government continued to investigate immigrant smuggling through the State Department and with the aid of consular officials in Europe. The St. John's Vice Consul was asked once again by the State Department to broach the subject with Newfoundland officials to see where they stood on the matter. The Vice Consul was also instructed to provide a detailed report on the administration, and state of, Newfoundland's immigration laws.

Barringer was critical of Newfoundland's administration of its immigration laws. He stated that:

there is almost no supervision of immigration into the colony, largely due to the fact that this work is detailed to the Customs Department, already overworked and under-appropriated for & there is no financial provision for the carrying out of full immigration inspection by persons employed for that purpose. As a result there is but a casual examination of immigrants and passengers coming into the colony at the present

¹²⁹ Ibid., O'Neil to Summers, October 1, 1925.

¹³⁰ NRC, RG-59, 150.06, file "Gevirtz and Norkus", W.J. Carr to A.M. Warren, November 30, 1926.

time.¹³¹

However, he was pleased to report that in lieu of proper inspection of passengers, the Customs Department had "severely cautioned" the Furness-Withy Line not to bring any more "questionable aliens" into the colony.

Barringer thought Newfoundland's immigration laws were flawed in numerous areas; or at least not compatible with North American standards. His problems with these acts stem from the fundamentally different assumptions within American and Newfoundland legislation. For the most part, Newfoundland officials continued to judge prospective immigrants, except the Chinese, largely by criteria based on individual merit; however, American authorities judged immigrants by group criteria.¹³² Canadian and American legislation had both established formalized hierarchies of race and nationality that were roughly compatible. The desired effect, achieved though different mechanisms, was the same in both countries: the formation of a more homogeneous population. Canada decreased southern and eastern European immigration by establishing preferred and non-preferred countries of origin, while the United States accomplished the same thing by using nationality quotas. The ideological foundations of such measures were not foreign to Newfoundland officials, yet the

¹³¹ NRC, RG-59, 150.06 file "Gevirtz and Norkus", despatch No. 292, November 19, 1925.

¹³² Robert A. Divine, American Immigration Policy., p.18.

colony had no direct experience in dealing with mass multicultural immigration. The spirit of both the Aliens Act and Disembarking of Paupers Act entailed judging acceptability on an individual basis. Both pieces of legislation established medical, moral, criminal, and economic standards intended to be used when judging individual applicants. This was demonstrated clearly by the consistency of the responses given by Justice Minister Higgins to the requests for information made by John Abajian and F.R. Lawrence.

With surprising efficiency and detail, Barringer identified all of the major "loop holes" in Newfoundland's immigration legislation causing incompatibility with North American restrictions. The definitions of "immigrant" and "immigrant ships" under Article 8, subsections 1, 2, and 3 of the Aliens Act, offered numerous opportunities for immigrants to enter Newfoundland who would be summarily turned away elsewhere in North America.¹³³ An "immigrant" was defined as a steerage passenger only. The problem that Barringer pointed out was that "there is no present restriction on undesirable aliens who arrive as cabin passengers".¹³⁴ As well, transmigrants, those going on to other destinations, were also exempted from the term "immigrant." The act defined "immigrant ship" as any ship bringing landing steerage passengers to the

¹³³ See Appendix (B).

¹³⁴ NRC, RG-59, 150.06, file "Gevirtz and Norkus", despatch No. 292, November 19, 1925., pp. 2-3. See Appendix (B).

colony. Therefore, any vessel carrying all cabin passengers would be able to avoid inspection by an immigration inspector. The Vice Consul also pointed out that the refugee clause, article 1, section 3, paragraph (d) was problematic.¹³⁵ As Bassler has indicated, this clause allowed entrance if the immigrant was fleeing religious or political persecution, making Newfoundland immigration legislation unique outside Europe, and extremely liberal by North American standards.¹³⁶ And finally, Barringer was critical of the Disembarking of Paupers Act because "undesirables" could remain indefinitely in the colony, as long as they had sufficient funds to live.¹³⁷ These types of safeguards that were designed to protect the colony from criminals, potential health risks, or having to support the destitute and infirm, could not possibly meet the requirements of other governments who based eligibility on ethnic and cultural grounds.

For the time being at least, the absence of new arrivals and the deportations of the Lithuanians appear to have ended Newfoundland's concern for immigration. The latter were treated as an isolated incident that had been properly dealt with. J.R. Bennett appeared ambivalent about the subject when Barringer again approached him concerning the matter. Bennett

¹³⁵ Ibid.

¹³⁶ Bassler, Sanctuary Denied., p.39.

¹³⁷ NRC, RG-59, 150.06, file "Gevirtz and Norkus", Despatch 292, November 19, 1925, pp.2-3.

had shrugged off Canadian concerns about undesirable immigrants using Newfoundland for gaining entry to Canada the previous January, and again it appears that the lack of substantial European immigration in living memory curtailed any further action. Barringer noted Bennett's change in attitude and reported that he:

. . . now states that whereas there has never been any immigration question affecting the colony in the past, which has entailed any serious inspection or consideration, unless matters should reach such a state that there would be an alarming number of aliens of questionable motives present in the country, there would be little likelihood of further action by the Government. However, when it should become evident that a number of aliens are in the colony ostensibly for the purpose of effecting illegal entry into the United States, his Government would certainly disapprove of this and would probably enact new laws to counteract such a state of affairs.¹³⁸

If this attitude was only mildly encouraging, his analysis of the socio-economic and political implications of further "undesirable" immigration provided much more hope.

Barringer considered the anti-alien sentiment of the outport population to be a useful tool in ensuring Newfoundland's compliance to American interests. He noted that the political fate of any government rested in the support of its rural population and that therein existed "the greatest feeling against the employment of so called 'alien workmen', even including in this term workmen from Canada and Great

¹³⁸ Ibid., p.2.

Britain."¹³⁹ Referring to the Lithuanians who had earlier found employment, and to any such future occurrence, Barringer ominously noted that the Government "would not care for it to be publicly known, when native unemployment exists and a growing political unrest prevails, that it countenanced the ingress of alien labour from abroad."¹⁴⁰

While Barringer continued to watch the local situation, other American officials in the United States and Europe were busily investigating what was now called "the Newfoundland immigrant smuggling scheme." H.E. Carlson, American Consul in Kovno, Lithuania, produced more information concerning Frederick R. Lawrence and Kostatnus Norkus, the shipping agent for the United States Lines. Norkus was suspected of finding the prospective immigrants who could pay to be brought to the United States or Canada. In light of evidence gathered in Newfoundland, Carlson pressured the United States Lines to cease their dealings with Norkus. However, he felt that despite his complaints, Norkus' "special ability" as a "business getter" for the company would work against efforts to have him removed.¹⁴¹

If the efforts of Vice Consul Barringer appeared vigilant, or even slightly excessive, they paled in comparison

¹³⁹ Ibid., p.3.

¹⁴⁰ Ibid., pp.3-4.

¹⁴¹ NRC, RG-59, 150.06, file "Gevirtz and Norkus", despatch No. 675, October 19, 1925.

to the fervour demonstrated by U.S. immigration and State Department officials assigned to the case. The focus of the investigation was the Boston Tourist Company, which F.R. Lawrence claimed to represent. State Department Special Agent Higgins was clearly disturbed by his findings in Boston. He stated that:

This is in no sense imaginable a case which is to be satisfactorily disposed of by such [a] superficial enquiry . . . It is a situation of not only national importance, but of deep local concern to the Commonwealth of Massachusetts and is well worthy of the intervention of a force of trained investigators prepared to attack the matter on a number of different sides, in a campaign of unrelenting extermination.¹⁴²

Each following section of his report was presented with increasing alarm, painting a conspiracy of gigantic proportions. The Boston Tourist Company was linked as the successor of Baltic States Finance Corporation by its connection with Norkus in Lithuania. Agent Higgins reported that the corporation became "notorious" after the war for collecting aid money from American relatives of "destitute Russians, Poles, Lithuanians and Ukrainians, which failed to reach those for whom it was destined."¹⁴³ Higgins thought it was no coincidence that Norkus was also implicated in the "fraudulent immigration cases" of two Lithuanian women at the beginning of the year. These clues led Higgins to believe that

¹⁴² Ibid., L. Higgins to R.S. Sharpe, October 20, 1925. (emphasis added).

¹⁴³ Ibid.

Norkus and "his international gang of vultures" had reorganized under a new name for the purpose of immigrant smuggling.

The conspiracy widened when the Agent learned from a Massachusetts official of an organization of Lithuanian Jews across the United States who supported such efforts. The "bunch of Lithuanian Hebrew patriots," as Agent Higgins described them, were then linked to the interests of Lithuanian Christians "who are a solid mass of Roman Catholic communicants with scarcely any Protestant leaven whatever."¹⁴⁴ For local state authorities the growing Lithuanian community represented the type of threat that the U.S. Immigration act had intended to eliminate: large congregations of foreigners who could resist assimilation into the dominant "anglo" population. Higgins believed he had uncovered a "more or less strongly defined Jew-Catholic entente" supporting the efforts of the Boston Tourist Company and that the steady flow of Lithuanians into Western Massachusetts was linked to the Newfoundland scheme.¹⁴⁵

The Boston Tourist Company was registered under the name of C. Kaufman and operated by a man named Freeman, who answered closely to the description of Frederick Lawrence. Agent Higgins described him as a "swarthy, stockily built Jew" and more importantly he was "an ex-Bolshevik lecturer,

¹⁴⁴ Ibid., p.2.

¹⁴⁵ Ibid., pp.2-3.

socialist and distributor of radical propaganda."¹⁴⁶ A local Boston official was so interested in the "invasion" of Newfoundland by Lithuanians that an undercover Federal Agent, a Lithuanian by birth, was sent to monitor the local Lithuanian community, especially their drinking establishments.¹⁴⁷ He interviewed an agent of the Boston Tourist Company who confirmed that the company was smuggling immigrants into the United States from Canada and Mexico. It was also reported that a Boston woman had recently paid the company six hundred dollars for smuggling her sister into the country. The Canadian route appeared to involve immigrants landing directly in the Maritimes, or in St. John's. From there they were transported to the New Brunswick border. Higgins reported that the operator of a boarding house for immigrants would then charge them fifteen dollars each to be brought over the border. Even more serious was the allegation that the smugglers had a Polish operative in the Massachusetts State Bureau of Americanization and Immigration who was being paid to assist their efforts. The results of the investigation convinced Special Agent Higgins that the scheme was much larger than previously suspected and worthy of more funding so

¹⁴⁶ Ibid., p.3.

¹⁴⁷ The local underground drinking establishments were a likely place to find out information on smuggling, prohibition had ensured a vibrant surge in such areas of expertise.

that Agents could remain in the field.¹⁴⁸

The Lawrence "episode" ended in September of 1925 but more of the circumstances surrounding the case were uncovered well into the following year. The State Department continued to seek information about any involvement the Newfoundland Government might have had in the scheme, especially the supposedly "official" letters carried by Lawrence in Europe authorizing the recruitment of immigrants.

Lawrence held three letters allegedly supporting his activities. The first two were believed to be signed by F. Gordon Bradley, "Crown's Attorney", and was paraphrased as: "Fifty passengers are travelling to St. John's in the company of Mr. F.R. Lawrence. Any courtesies extended to them or to Mr. Lawrence will be very much appreciated."¹⁴⁹ A second letter was identical except it stated a different number of immigrants, and the third letter was supposedly from the "Corner Brook Paper Mills" stating that a thousand more workers were needed.

Although everyone questioned, including Prime Minister W.S. Monroe, denied any knowledge of these "official" letters, Vice Consul Barringer continued his enquiries. He believed the letters were unofficial, but had originated from someone on the political or bureaucratic level. Deputy Minister of

¹⁴⁸ NRC, RG-59, 150.06, file "Gevirtz and Norkus", Higgins to R.S. Sharpe, October 20, 1925. pp.4-5.

¹⁴⁹ NRC, RG-59, 150.06, file "Gevirtz and Norkus", H.E. Carlson to G.H. Baringer, March 25, 1926.

Customs H.W. LeMessurier, Minister of Finance and Customs Sir John Crosbie, Minister of Public Works C.E. Russell, and Minister Without Portfolio F. Gordon Bradley, were all investigated by the Consulate. LeMessurier was suspected of writing the letters and Barringer noted that: "This belief is shared by others here" adding that "it is interesting to note that this official is now one of the most active in his injunctions to the steamship companies to not bring Lithuanian immigrants into the country."¹⁵⁰ For allowing Lawrence "frequent use of his car" during his stay in St. John's, C.E. Russell emerged as a possible partner with Lawrence and Bradley. As for F. Gordon Bradley himself, the appearance of his name after the title "Crown's Attorney" assured the Americans that the letters were written without Government sanction. The title "Crown's Attorney" was reserved for the Justice Minister only, who was W.J. Higgins. The only question remaining was whether or not Bradley wrote the letters. If he had, it would have been a breach of trust against the Government and represented serious professional misconduct, not to mention fraud. Barringer was unable to produce the original letters, but later reported with much satisfaction that Russell and Bradley had been "summarily dismissed" from their positions by Prime Minister Monroe. In a despatch to the U.S. Secretary of State he went on to note:

¹⁵⁰ Ibid., despatch No. 298, Barringer to Secretary of State, December 28, 1925.

It is singular that two men known to have been associates of such a man as F.R. Lawrence . . . should both be implicated in a plot to overthrow present Monroe Government and whereas the reason for their present dismissal could not possibly have any connection with Mr. Lawrence or his activities, it nevertheless is probable the suspicions of the present Prime Minister and his associates, regarding Mr. Bradley, may have been aroused at the indisputable evidence . . . that the name of the Honorable F. Gordon Bradley had been affixed to various official documents known to be in the hands of Mr. F.R. Lawrence abroad.¹⁵¹

With Bradley and Russell safely sitting on the opposition side of the House of Assembly, LeMessurier making strenuous efforts to keep potential "undesirables" out, and no proof of authorship to be found, Barringer ceased his investigation of the mysterious circumstances behind Lawrence's "official" letters.

Minister of Finance and Customs Sir John Crosbie was never a likely suspect. His travels in Europe at this time and his position in government were the only basis for his inclusion. He is notably absent in official correspondence on immigrant smuggling, in spite of the fact that his department was responsible for administering the immigration acts. This is not to say that the person responsible for immigration totally ignored his duties. In a move which astounded Newfoundland Governor Sir William Allardyce and Dominions Office officials in London, Crosbie lobbied Lord Clarendon for immigrants in January 1926. Crosbie was in London attending

¹⁵¹ Ibid., despatch 336, May 25, 1926.

the Empire Parliamentary Association meetings. During his stay there he discussed the matter with Lord Clarendon who held the positions of Under-Secretary for Dominion Affairs and Chairman of the Overseas Settlement Committee. Crosbie informed Lord Clarendon that there were openings in Newfoundland for Scottish inshore fishermen. Governor Allardyce was informed of the suggestion and asked to offer his opinion. The Governor responded with a damning letter regarding the state of the fishery. In a remarkable description of local conditions he noted the mistrust in the industry and the "pernicious" talqual system as reasons for the industry's crisis following the war.¹⁵² He cited the loss of markets to Norway and Iceland, lack of political will to improve quality and marketing of salt cod, a refusal to modernize fishing methods, and the numbers of fishermen leaving for more secure employment, as the chief reasons for his pessimism. Governor Allardyce could only speculate that Crosbie wanted to replace those who had left to gain better employment on American and Canadian vessels.¹⁵³ It is unfortunate that the newspapers were unable to learn of this curious correspondence and local opinion is absent on a proposal that left Imperial authorities scratching their heads. After receiving Allardyce's report,

¹⁵² This purchasing system was based on quantity rather than quality. The merchants paid the fishermen the same price per quintal, regardless how well the salt fish was cured.

¹⁵³ Dominions Office correspondence, hereafter D.O. 35 B4698 Aa-3-1, "Despatches Canada-Newfoundland", 1926. Allardyce to Clarendon, January 23, 1926.

Lord Clarendon politely replied that in spite of Crosbie's invitation, it would be inappropriate to encourage fishermen to emigrate to Newfoundland at that time.¹⁵⁴

To the disappointment of American authorities, by October of 1925 Newfoundland officials had temporarily abandoned their concern over undesirable immigration. This hiatus was only temporary. Later government actions were based on the experiences of 1925 and resulted in more decisive action. A number of important things came out of these experiences: Newfoundland's position as a country of few attractions for immigrants was changing, but for the wrong reasons according to government; Canada, and more importantly the United States, were exceedingly concerned about Newfoundland being used as a base for immigrant smuggling, and were not afraid to share their concerns with Newfoundland officials; and Newfoundland immigration legislation was indeed "deficient" by North American standards as it classified immigrants by individual merit rather than group criteria.

In his responses to the enquiries of John Abajain and F.R. Lawrence, Justice Minister Higgins consistently acted according to the spirit of the Disembarking of Paupers Act. With no established legal definition of "undesirable" groups, each case could only be judged individually. This anomaly in North American immigration legislation stemmed from the lack of substantial immigration in the previous seventy years. It

¹⁵⁴ Ibid., Clarendon to Allardyce, February 19, 1926.

would be only the threat of large-scale immigration and the protests of the colony's neighbours that would motivate officials to act.

Chapter Four

In Through The Back Door: the Second Smuggling Attempt

The Lawrence scheme generated concern from Newfoundland politicians and was greeted with outright enmity by the American Consulate. This first "influx" of immigrants was quite small. However, to the Americans it represented verifiable proof that their vigilant efforts to keep their country free from undesirables could only work if access to the entire continent was strictly controlled. The American Vice Consul had Colonial Secretary J.R. Bennett's assurance that the Government would not condone any attempts to evade American immigration laws and would act if the situation arose again. The Newfoundland Immigration Act of 1926 was the fulfilment of this promise. This legislation was not passed lightly, but came in the wake of another smuggling "scheme" which finally showed officials that ad hoc restrictions and exclusions implemented by crisis management were unworkable.

The immigrant smuggling "scheme" in question was uncovered in December of 1925, during the time F.R. Lawrence was expected to return to St. John's. An American citizen, Abe Gevirtz, alias Harris, became the subject of investigation. He arrived in September and stayed at the Crosbie Hotel in St. John's. After a brief stay he escorted to Canada Ida Zizieltszh who arrived with him from Europe. Using the name Harris, Gevirtz returned alone during the second week of

December again registering at the Crosbie Hotel.¹⁵⁵ Despite "precautions" to keep their investigation concealed, Gevirtz learned that he was being watched by the consulate and quickly left the morning after he had arrived. Vice Consul Barringer launched an immediate search. This search is noteworthy as it illustrates just how influential the American Consulate was in Newfoundland. At the consulate's request passengers leaving on the Red Cross lines ship Rosalind were examined. More startling was the fact that Barringer was able to have the express train and the connecting Port-aux-Basques ferry searched by the Reid Newfoundland Company as well. Barringer reported that Harris (Gevirtz) was either hiding with some "confederate" in St. John's or had "left the country by one of the various steamers proceeding from Corner Brook and other coastal places."¹⁵⁶

Gevirtz eluded detection and returned to St. John's in February of 1926. Canadian Immigration officials who were also watching Gervitz's movements notified the U.S. immigration office in Halifax of his arrival there enroute to Newfoundland. Accompanying him were five eastern Europeans -- two men and three women, named Zalman Klein, Gersas Perelsteinas, Regina Messenger, Chana Ogniewicz, and Chaja

¹⁵⁵ NRC, RG-59, 150.06, file "Gevirtz and Norkus", despatch 299, December 26, 1925. Barringer was unaware that Gevirtz had used his real name when he arrived on the Rosalind from Halifax. What the Vice Consul did know was that two Polish immigrants arrived on the same steamer and "disappeared upon arrival."

¹⁵⁶ Ibid.

Rosenblum. All listed the homes of various St. John's Jewish families as their final destinations. This time Barringer determined that Abe Gevirtz was indeed the Abe Harris that eluded his search in December of 1925. What most disturbed Barringer, apart from the fact that Gevirtz received "remuneration" from the immigrants for his services, was that:

following the frustration of the plans of the immigrant smugglers to transport such persons direct to Newfoundland on the Furness-Withy liners, it is now the practice to take a ship at Antwerp and other places and proceed to Halifax for trans-shipment to this place.¹⁵⁷

The Antwerp to Halifax route was operated by the White Star line and the Halifax to St. John's route was operated by the Red Star line. This route change avoided dealing with Furness Withy officials who had been warned not to carry such passengers following the Lawrence scheme. To make matters worse for the American Consul, "steamship sources" reported that immigrant smugglers were planning to use this route to bring across another two hundred immigrants in the "near future." This was confirmed when the same was reported to the Customs Department by the Steamship Department of Harvey and Company Limited in St. John's.¹⁵⁸

Barringer immediately notified Colonial Secretary Bennett, who then had Gevirtz and the five immigrants placed under surveillance by the Newfoundland Constabulary and

¹⁵⁷ Ibid.

¹⁵⁸ PANL, GN 13/2/A, box 227, file "Immigration (1921-1926)", unsigned letter to H.W. LeMessurier, February 19, 1926.

Customs officers.¹⁵⁹ Bennett then informed Justice Minister Higgins of Gevirtz's activities noting that "the Canadian authorities, and the United States immigration officers are watching this movement."¹⁶⁰ Bennett quickly instructed Higgins to see whether existing statutes could provide the necessary regulations to prevent such an influx. If not, he was to consult with the Customs Department in formulating new legislation. In describing Newfoundland's position on the matter, Barringer found Bennett's support "most gratifying and indicative of the fact that the Newfoundland government is thoroughly alert now to the serious consequences of any wholesale immigration into this colony and will undoubtedly take steps to check any such movement."¹⁶¹ The prospect of new legislation was welcome news to Barringer, who unsuccessfully lobbied the Government after the first arrivals with F.R. Lawrence in August 1925.

Although the relative number of immigrant arrivals was small, the local media began to notice their presence. An Evening Telegram editorial entitled "Arrivals in the Country", printed shortly after Gevirtz and his immigrants arrived, illustrates how Newfoundland's continual economic uncertainty accorded very little empathy for working class immigrants by

¹⁵⁹ Ibid., Bennett to Barringer, February 22, 1926.

¹⁶⁰ Ibid., Bennett to Higgins, February 22, 1926.

¹⁶¹ NRC, RG-59, 150.06, file "Gevirtz and Norkus", despatch 316, February 25, 1926.

the host society.

Those who are in the habit of scanning the train and boat passenger lists cannot but have observed in recent months an unusually large influx of persons whose unfamiliar names offer little or no clues as to the country of origin of their owners. Enquiries show that a considerable number of these new arrivals are intending settlers, and it has also been learned that tentative arrangements had been made for the passage of about one hundred other such visitors in the spring. We are informed, however, that the authorities have not approved of the proposals, and with their action public sentiment will be in full accord . . . but for the time being the Island's first object must be to provide for its own people. In that connection we suggest that the immigration laws of the country might be more rigidly enforced¹⁶²

The editorial repeated views expressed by Arthur Mews during the Dominions Royal Commission hearings. It argued that the colony would "benefit by an influx of new settlers," but only if they had enough capital to engage in areas of the economy that were underdeveloped. The paper was unaware that the majority of the immigrants wished to go to the United States and Canada, and was more concerned they were attracted by the pulp and paper industry.

However, it was well known to government that these "new arrivals" had no intentions of staying and competing in the local labour market. Within two weeks of landing in St. John's, Gevirtz attempted to bring two immigrants across the island and into Nova Scotia. He was quite unaware that his movements were being closely monitored by hotel staff and

¹⁶² "Arrivals in the Country", The Evening Telegram, February 18, 1926, p.6.

transportation authorities at the request of the American Consulate. Gevirtz left his hotel with Klein and Perelsteinas (later Pearlstein), informing the hotel staff that they were leaving by steamer. Instead, they purchased tickets on the express train for Port-aux-Basques immediately before its departure. This ruse failed to conceal their movements; the railway authorities identified Gevirtz and quickly notified Barringer of their departure. To ensure that they would be stopped, Barringer notified the consul in North Sydney who then notified the Canadian Immigration inspector.¹⁶³ Barringer was rewarded for his efforts and they never made it to the mainland. The assistance of the Reid Company proved invaluable. The group arrived on the cross-island train, but were prevented from embarking on the ferry in Port-aux-Basques. The purser of the steamer informed Gevirtz to return to St. John's for questioning at the Consulate.

Barringer interviewed the "very much unnerved" Gevirtz after his arrival back in St. John's. Gevirtz admitted "escorting" two different groups of immigrants and produced a letter from the White Star Line "urging his travel by the Company's line in view of his having made arrangements to escort five immigrants to Newfoundland."¹⁶⁴ However, he denied that his main role was to get them past U.S. and

¹⁶³ NRC, RG-59, 150.06, file "Gevirtz and Norkus", despatch 318, February 27, 1926.

¹⁶⁴ Ibid., despatch 320 March 13, 1926.

Canadian immigration inspectors. After learning that he would not be detained by either the Newfoundland or American authorities for his activities, Gevirtz boasted of the money that could be made in bringing immigrants to the island. On the other hand, he would not reveal much about himself and "could not explain" why Klein and Pearlstein were also on the train to Port-aux-Basques. Furthermore, he stated that he only wished to return to New York, alone and without his group of immigrants. Barringer finished the interview by warning Gevirtz that the Newfoundland and American governments would not tolerate any further smuggling attempts.

The Canadian and American immigration authorities in Halifax were informed of Abe Gevirtz's departure from St. John's enroute to New York. Interestingly enough, before the S.S. Silvia departed from St. John's, two Lithuanian stowaways were discovered, shrouding Gevirtz with further suspicion. In a joint effort, Gevirtz was removed from the Silvia when it reached Halifax, brought to the immigration pier, and questioned until the ship was ready to depart. U.S. immigration inspectors were especially interested in Abe's brother Maurice. Under questioning, Abe admitted to accompanying Klein and Pearlstein to Port-aux-Basques and that he was working on Maurice's behalf.¹⁶⁵ The U.S. Consulate in Kovno, Lithuania, tracked Maurice's movements there in the

¹⁶⁵ Ibid., Letter from the U.S. Immigration Inspector in Halifax to U.S. Commissioner of Immigration, Montreal, March 18, 1926.

fall of 1925. Consul Carlson reported that Maurice Gevirtz had reputedly "disposed of fraudulent Canadian Immigration permits" while on business in Lithuania.¹⁶⁶ Barringer speculated that these visas were the reason for the "ease" by which "certain immigrants" entered Canada via Newfoundland. As a result of questioning by both Canadian and American authorities, Gevirtz gave assurances that he was through "with this business." The U.S. immigration inspector was sceptical, but was sure that Gevirtz would not attempt any more smuggling via Newfoundland and Nova Scotia.

Despite their success in intimidating Gevirtz, and the fact that Newfoundland was in the process of strengthening its legislation, the State Department continued to investigate the scheme. Vice Consul Barringer's despatches concerning the "immigrant smuggling agents in Newfoundland" were even making their way to the desk of Federal Bureau of Investigation Director J. Edgar Hoover.¹⁶⁷ News of Gevirtz's activities resulted in State Department Special Agent Higgins again investigating the Boston Tourist Company and its connections to the Boston, Nova Scotia, and Newfoundland "immigration bootlegging industry."

Abe's brother Maurice was in Europe and had become a fugitive from the U.S. Justice Department in the spring of 1926. Documents "captured" in Maurice Gevirtz's office

¹⁶⁶ Ibid., despatch 318, February 27, 1926.

¹⁶⁷ Ibid., unsigned memo to J.E. Hoover, April 13, 1926.

indicate that like Lawrence, he also had ties to the Boston Tourist Company. Special Agent Higgins again presented a conspiracy of Jewish radicals and their "questionable" business practices abroad. Although Abe Gevirtz did not reveal any affiliation to the Boston Tourist Company, he was identified from his passport photo as being the man Freeman encountered in the company's office during the F.R. Lawrence investigation. This revelation inspired Higgins to state that the "whole case has now assumed the form of a vicious circle with K.N. Norkus of Kovno in the center . . . I think the ring of bandit steamship ticket-agents involved stands thoroughly exposed."¹⁶⁸ He felt certain if they resumed their Newfoundland operations the State Department would be ready to close in on them. Agent Higgins never did get to embark on a campaign of unrelenting extermination against the Gevirtz brothers and no other known group surfaced to continue smuggling immigrants. The actions of American, and to a lesser extent, Canadian authorities acted as a strong deterrent against using Newfoundland for future operations.

There are no other records on the Gevirtz brothers with the exception of a State Department memo written in 1930. Maurice Gevirtz was kept from renewing his passport until he explained some of his past activities, especially those with

¹⁶⁸ Ibid., Higgins to L.Mullen, April 26, 1926.

Kostatnus Norkus and Frederick R. Lawrence.¹⁶⁹ At that juncture the State Department was confident that the whole scheme was properly uncovered. It was no coincidence that Maurice Gevirtz and Lawrence obtained their passports on the same day and were "closely associated" in Lithuania. Furthermore, they shared a train to Berlin while Lawrence was escorting his party of immigrants in 1925. The State Department believed that there was little doubt that Abe Gevirtz was referred to Lawrence by his brother Maurice. Abe became involved in the operation in September 1925, one month after Lawrence's hurried exit from St. John's on the heels of the Newfoundland Constabulary investigation. Maurice Gevirtz continued to deny taking money from immigrants (possibly because Lawrence, Norkus, and his brother Abe handled such matters) and claimed to be "honestly following his profession as an attorney dealing largely in difficult immigration cases."¹⁷⁰

Harry Pearlstein's experiences reveal that the immigrants travelling with Gevirtz were also warned against future attempts at illegal entry. Pearlstein's case appears representative of those travelling with Lawrence and Gevirtz.

¹⁶⁹ However, Kostatnus Norkus, the Lithuanian implicated in both immigrant smuggling schemes, as well as in defrauding families of destitute eastern Europeans, seems to have continually irked American authorities. State Department files on his activities run well into the 1930s.

¹⁷⁰ NRC, RG-59, 150.06, file "Gevirtz and Norkus", Memo dated September 5, 1930.

A Lithuanian Jew, he survived the war and served as forced labour for the German Army. During that time his only remaining parent died and his village was destroyed.¹⁷¹ As motivation for his emigration from Europe, Pearlstein stated that he could "see the Hitler business starting 'cause we were right on the border."¹⁷² As with other such immigrants entering Newfoundland, he had family willing to pay for his trip to the United States. His four brothers in Boston offered to pay the costs. Pearlstein went on to describe some of the events which landed him in Newfoundland:

So, there was a fella I think by the name Gewirtz, a fella from New York, and he took a woman from St. John's Newfoundland, by way of Sydney, Nova Scotia. He told the immigration officer she was going for a visit, and he believed it. But they found out that he was smuggling her. So he thought he got away with it.

So then he got me, and another fella named Klein, and three more women . . . and it didn't work. The immigration officer said, "Listen, you know what I'll do with you if you want to do that again? I'll send you back to Europe." So, we came back . . . Cost me between a thousand-twelve hundred dollars. Lot of money in them days.¹⁷³

For the time being, Pearlstein and the others were forced to remain in Newfoundland, at least until U.S. immigration changes could enable them to reach their relatives.

The Lithuanians were all separated from their families and in one case, a woman from her husband. As early as

¹⁷¹ Interview with Harry Pearlstein cited in Kahn, Listen While I Tell You. p.57.

¹⁷² Ibid.

¹⁷³ Ibid.

November 1926 the Consulate received numerous petitions from various U.S. lawyers to allow temporary visitor's visas for the stranded Lithuanians.¹⁷⁴ Two members of the first group were lucky enough to get visas just after Barringer's replacement took office. However, once the "correctness" of the newly appointed Vice Consul Warren's decision was questioned by the State Department, he backtracked and followed the policies of his predecessor.¹⁷⁵ Because the Lithuanians originally intended to enter the United States as immigrants, and had admitted such intentions for the future, the State Department believed there was reason to doubt their motives for requesting a visitor's permit. All of the applications were denied.

During March and April 1926 the Customs and Justice departments endeavoured to find or modify legislation which might suit Newfoundland conditions. At the same time, Barringer was continuing to press for more information concerning Lawrence's "official" letters. With the American Consul knocking on doors and the prospect of two hundred more immigrants on the way, H.W. LeMessurier and Justice Minister W.J. Higgins wasted little time in drafting legislation. The sense of urgency was also enhanced by the fact that Gevirtz was able to circumvent the previous efforts of the

¹⁷⁴ NRC, RG-59, 150.06, file "Gevirtz and Norkus", despatch 62, November 12, 1926.

¹⁷⁵ Ibid., W.J. Carr to A.M. Warren, November 30, 1926.

Newfoundland Government by simply changing the shipping route.

The swift reaction of officials to the potential threat of two hundred immigrants arriving in the city of St. John's is not surprising, considering the dearth of facilities for handling such an eventuality. The understaffed Customs Department was responsible for the administration of the colony's import duty with immigration inspection largely a sideline. Moreover, because the colony had attracted so few immigrants since the mid-nineteenth century, there were no immigration sheds to allow for the proper inspection and examination of newcomers. Lawrence's small group were not a problem for the city's temporary lodging facilities, but any large arrival would have placed a terrific burden on the city's rooming houses, that is assuming arrivals could pay. An upscale alternative was not even available, as the colony's first large scale luxury hotel was still under construction in the spring of 1926.¹⁷⁶

Steamship companies presented the government with a crucial problem. Under then existing statutes, they could not be held financially liable for deporting "undesirables" unless these were paupers. Furthermore, it was in their best interest to acquire as many passengers as possible. It had been an established practice by shipping companies to solicit potential immigrants since the waves of transatlantic migrants

¹⁷⁶ The 142-room Newfoundland Hotel situated in Cavendish Square, St. John's, opened in June of 1926.

in the eighteenth century. This practice became incompatible with the postwar immigration restrictions of receiving countries, but could only be stopped if companies were liable to pay the return fare for immigrants refused entry. With massive reductions in the transatlantic immigration traffic, it was attractive for shipping companies to fully exploit their Newfoundland destinations.

Barringer was interested in the role of the shipping companies when he questioned Gevirtz. It was clear by the letter from the company office in Berlin, that the White Star Line knew Gevirtz was escorting immigrants and wanted him to use their line. This raises the question of how did the company know what Gevirtz was doing? Barringer suspected further involvement of the White Star Line but Gevirtz refused to reveal how he was introduced to the five would-be immigrants. Barringer reported that: "he hinted at the fact that he was introduced to these immigrants through steamship circles, but, for reasons of policy, the steamship companies did not care to be put on record as resorting to such methods to procure passengers."¹⁷⁷

Until such a time that legislation could be drafted which would expand Newfoundland's powers and clearly identify "undesirables", Bennett could only repeat LeMessurier's actions after the first arrivals. However, this time all shipping companies were warned against accepting immigrants

¹⁷⁷ Ibid., despatch 320, March 13, 1926.

for Newfoundland.¹⁷⁸ A representative of the White Star Line arrived in the city in mid-February and was informed of what was happening. Bennett reported that the shipping agent wired England and assured him the Lithuanians suspected of crossing from Europe would be refused passage. Bennett then reported to Barringer that he felt sure that these measures would prevent them from coming to the colony.¹⁷⁹

It was now clear to officials that such measures could only be damage control, to be implemented after unwanted arrivals had landed in the colony. Moreover, there were very few guidelines by which government or steam ship officials could determine eligibility. It again came down to individual criteria as opposed to group criteria. In order to maintain the status quo without changing legislation, Newfoundland authorities would have had to continually inform the steam ship companies about the type of people who were unacceptable. This brief practice was started after the Lawrence scheme. The result would be an administrative nightmare that the Customs Department was ill-equipped to handle. Officials would have soon learned that they were merely copying the acceptability criteria of Newfoundland's two neighbours. Countries which were "non-preferred" and whose nationals were excluded by Canada were one consideration. The other involved acquiring

¹⁷⁸ The companies were Furness Withy, White Star, Red Star, and Cunard Steamship Lines.

¹⁷⁹ NRC, RG-59, 150.06, file "Gevirtz and Norkus", Bennett to Barringer, February 22, 1926.

the nationality quotas from the United States and determining which countries had the lowest immigrant quota, thereby comprising a potential threat. Not only would Newfoundland be mimicking North American standards, but doing it in an unthinkably complicated fashion.

The two Lithuanian cases suggest that every time a "mistake" was made, the protests of the U.S. consul would not be far behind. Vice Consul Barringer was responsible for ensuring that only qualified immigrants and visitors would be offered visas to enter the United States from Newfoundland. Insofar as immigrant smuggling goes, he was also directly responsible for ensuring that Newfoundland enforced its own regulations. In the absence of legislation, the logical extension of his position was to lobby the government to make changes. In light of the seriousness which the U.S. Immigration Service and State Department displayed over unwanted immigration, it would appear that the colony had little choice but to change its laws.

Chapter Five

From Crisis Management to Decisive Action:

The 1926 Act

Very largely as a result of the questions raised over such schemes, the Newfoundland Government, at its present session, has before it a Bill designed to effectively control immigration and to prevent the landing of undesirable aliens, from now on.¹⁸⁰

A draft of the new immigration bill was completed in little over two months. In a memo dated April 21 1926, H.W. LeMessurier's final suggestion to Deputy Minister of Justice P.J. Summers was to include a clause which would ensure the new act would not conflict with the Chinese Immigration Act. LeMessurier suggested that Summers look at the Canadian Immigration Act for possible guidance.¹⁸¹ The previous month, March, Bennett had given notice in the House of Assembly that the immigration laws were being amended. He cited the threat of two hundred Lithuanians wishing to immigrate and American concerns that they would "trek to the United States by way of Canada," as reason for new legislation. Bennett also answered The Daily Globe's concern over foreigners taking jobs at

¹⁸⁰ NARA, RG-59 file 843.56, box 8889. despatch No. 301. "General Report on Immigration Matters, St. John's Newfoundland Consular District". May 8, 1926.

¹⁸¹ PANL, GN 13/2/A, box 227, file "Immigration 1921-1926", LeMessurier to Summers, April 21, 1926. His suggestion was quite appropriate considering Newfoundland had copied its 1906 Chinese Immigration Act from Canada.

Corner Brook by tabling a letter from the mill manager.¹⁸² J. Stadler flatly denied any knowledge of the Lithuanians and asserted that he had enough labour. He went on to say:

As a matter of fact during the past six months we have had no difficulty whatever in filling our requirements for help, and furthermore the training of help required in our industry for special operations has been proceeding very satisfactorily.

Please accept our assurance that under no circumstance will we enter into any negotiations with the party referred to . . . whatever reports you might hear about any negotiations are misrepresentations, and we would appreciate if you would convey such information to us that we may put a stop to the same as it may have a serious effect on our operations.¹⁸³

The opposition, in tacit agreement with the government's rationale for new legislation, was silent on the matter.

The committee debates over the proposed bill illustrate clearly how legislators had to adapt Newfoundland's legislation to the changing entrance criteria in North America. The pressures for change were external. Legislators were well acquainted with the tightening of immigration and now realized the implications for the colony. Fears of a flooded labour market, pressure from Newfoundland's neighbours, and the colony's own dependence on exporting surplus labour were given as justifications for the act.

Once the act was introduced by Justice Minister Higgins,

¹⁸² See "No Newfoundlanders Need Apply", The Daily Globe., February 9, 1926, p.9.

¹⁸³ Sadler to Bennett, February 27, 1926. Cited in The Evening Telegram., March 13, 1926, p.6.

Colonial Secretary Bennett immediately appraised its ability to stop immigrant smuggling. He again asserted that it was:

. . . considered in the interests of Newfoundland and a diplomatical course with our great neighbour, the United States, to take some steps to prevent the importation into this country of undesirables. I certainly think that one of the main features of the Bill is to meet that contingency.¹⁸⁴

Higgins replied that sections eleven and twelve would cover that concern. Section eleven empowered the Governor-in-Council to make regulations excluding immigrants unless they possessed "money to a prescribed minimum amount which amount may vary according to the race, occupation or destination of such immigrant and otherwise according to circumstances."¹⁸⁵ This section gave the government a flexible method of excluding immigrants by using a monetary qualification. Therefore, the next time the American consulate suspected ineligible immigrants of entering the colony enroute into the U.S., the Customs Department could quickly pass regulations against them.

However, experience had shown that those wishing to be smuggled were fairly affluent, either independently, or through family members who supported their voyage. Realizing this, Bennett questioned the usefulness of a monetary qualification. Newfoundland's final adoption of North American attitudes was confirmed by Bennett's statement:

¹⁸⁴ Proceedings of the House of Assembly, 1926. pp. 748-749.

¹⁸⁵ 1926 Immigration Act, Appendix (D) emphasis added.

. . . many that it might be desired to keep out are very wealthy. According to representations on the other side, in the case of those Lithuanians, one Lithuanian woman was very wealthy, and many of them are wealthy people . . .".¹⁸⁶

This statement represents a dramatic change in policy and seems strange considering the habitual lament of politicians, bureaucrats, and publicists that the colony needed more capital.¹⁸⁷ The issue of diluting Newfoundland's ethnic homogeneity with "foreigners" was not raised in the debates. The Lithuanians were not objectionable so much because of their race, but because they were undesirable elsewhere.

A.B. Morine, speaking at the Llewelyn Club in January 1926, suggested that tourism, which had been promoted vigorously by the government, could be a tool for further economic development. He went on to ask "how could we expect people to invest in our industries until they had seen the country."¹⁸⁸ The definition of "immigrant" in section three of the act made no distinction between settlers and tourists. Therefore tourists with capital could now be considered "undesirable immigrants with capital." It is questionable whether or not Bennett and his colleagues were thinking of

¹⁸⁶ Proceedings of the House of Assembly. 1926, p.749.

¹⁸⁷ The lack of local capital as a key hindrance to development was raised by the Dominions Royal Commission and was noted Mosdell in 1922.

¹⁸⁸ The Evening Telegram., January 29, 1926, p.6. A.B. Morine was a veteran Newfoundland politician. He was Minister Without Portfolio and a Member of the Legislative Council in the Monroe administration.

Newfoundland's best interests. The United States did not need capital, which explains why monetary qualifications were never implemented as a method of exclusion in their 1924 Quota act. The idea that a select few of these so-called "undesirables" might be induced to stay and invest in the colony appears to have escaped the politicians' notice. In light of local conditions, it was unlikely that accepting a few wealthy immigrants in order to boost the economy would have posed too many diplomatic problems. Again the lack of immigration into the colony had hampered visions of compromise between the ideas of free entry and blanket exclusions.

Justice Minister Higgins went on to say that the following section of the bill was broader still. In a shortened form of section 38 (c) of the Canadian Immigration act of 1919, it gave wide ranging discretionary powers to the Governor-in-Council to make proclamations. Under section twelve (b) of the Newfoundland act, the Governor-in-Council could:

. . . prohibit for a stated period, or permanently the landing in this colony, or the landing at any specified port of entry in this Colony, of immigrants belonging to any race deemed unsuited to the climate or requirements of this Colony, or of immigrants of any specified class, occupation or character.¹⁸⁹

Even the notorious Chinese Immigration Act did not go that far. Ironically, it might even be argued that the three hundred dollar head tax could offer the Chinese a slight

¹⁸⁹ Immigration Act of 1926, see Appendix (D).

advantage as they were exempt from the discretionary powers which could raise monetary requirements to any level.

Opposition leader A.E. Hickman seized upon the idea that Newfoundland was enacting legislation to "help out the United States," and questioned the Government's motives. He went on to say:

They legislate against us. They put one dollar and twenty five cents a quintal duty on our stable (sic) going into the United States . . . I don't see why in any case we should concern ourselves about the immigration laws of the United States and giving assistance to themt (sic).¹⁹⁰

Bennett retorted that he had no interest in U.S. immigration laws but he did not think "we ought to allow ourselves to be a dumping ground for people trying to get into the United States and Canada."¹⁹¹ He cited the Chinese restrictions, arguing that the purpose of that act was not to "tax a few laundrymen but to prevent Newfoundland from being made a Chinese dumping ground."¹⁹² He tried to refute the opposition's concerns that they were being a proxy for the U.S. by adding that they were only protecting local labour.

C.E. Russell, suggested they should negotiate immigration concessions from the United States for passing restrictions. He referred to the habitual troubles encountered by his constituents entering the U.S. and thought it only

¹⁹⁰ Proceedings of the House of Assembly, 1926. p.749.

¹⁹¹ Ibid., p.750.

¹⁹² Ibid.

right that restrictions against Newfoundlanders be lowered. With no hesitation, Justice Minister Higgins flatly stated Newfoundland's bargaining position:

The people of the United States are not worrying very much, unfortunately, whether our people go there or not. The hard part of the whole thing is this, that the anxiety of the people is so great to get into the United States that we have to grin and bear these restrictions.¹⁹³

The numbers of emigrating Newfoundlanders was indeed substantial. For the fiscal year ending in March 1925, 1218 non-quota immigrant visas were granted Newfoundlanders for entry to the United States, while 1288 Newfoundlanders went to Canada.¹⁹⁴ Boston, Philadelphia, and New York accounted for the lion's share of Newfoundlanders in the United States. In the late 1920s the numbers of Newfoundlanders in Boston and its surrounding area alone was ambitiously estimated at sixty thousand.¹⁹⁵

The large community of Newfoundlanders in the United States provided their relatives on the island with cash remittances which were noted by American Vice Consul Avra Warren as supporting "whole villages and outports, especially

¹⁹³ Ibid., p.751.

¹⁹⁴ NARA, RG-59, file 843.56, 1910-1929, Box 8889. despatch 301, May 8, 1926.

¹⁹⁵ NARA, RG-59, file 843.56/2, 1910-1929, box 8889. "Emigration From The Dominion of Newfoundland Into The United States," October 31, 1929. The estimate was made by an expatriate newspaper in Boston named the Newfoundland Weekly. It is a definitely inflated figure, but the actual numbers would be in the thousands.

in Conception Bay." He reported that when calculating the amount in money orders received in Newfoundland and adding it to amounts enclosed in registered letters or personally conveyed, "the value of such returns is conservatively estimated at \$1,000,000 annually . . . ".¹⁹⁶ R.A. MacKay acknowledges that the contributions of expatriates and the wealth carried back by those returning increased incomes, but he underestimates its impact when he says "the total of these items has not been great."¹⁹⁷ When amounts sent back from Newfoundlanders in Canada are added to the aforementioned estimate, it might be argued that such remittances were indeed substantial. The direct monetary benefits to the colony of Newfoundlanders emigrating to mainland North America could only work to the advantage of American and Canadian officials in their demands for conformity on immigration legislation.

Although Higgins felt Newfoundland's views would carry little weight, he spoke for both sides of the house when he said any request for concessions would be a "good thing." Bennett concluded the debate by relating American policy towards Newfoundland. Repeating the standard response from North American authorities, he commented on the advantages the colony already had over other countries. He did promise,

¹⁹⁶ Ibid., The amount of money orders alone, received in Newfoundland between 1925 and 1928 totalled between \$600 000 and \$743 000 annually.

¹⁹⁷ R.A. MacKay, "A Half Century of Economic Change" in R.A. MacKay, ed., Newfoundland Economic, Diplomatic and Strategic Studies (Toronto: Oxford University Press, 1946). p. 67.

however, to see if anything could be done to make access easier for Newfoundlanders. On that note debate ended. Any further accusations by Mr. Hickman's Liberal opposition, that the government was acting on behalf of the United States, were quelled by Bennett's promise to negotiate an ease in restrictions imposed upon Newfoundlanders.

The Immigration Act of 1926 was another "cut and paste" piece of legislation, but it was definitely formed with the intention of providing a comprehensive administrative framework for excluding and deporting undesirables. What the 1926 act accomplished for officials was to seal all of the loopholes in previous legislation. The act provided the Governor-in-Council with the power to establish immigration offices, to appoint immigration staff, including a Commissioner of Immigration, guards, inspectors and medical officers. Officers appointed under the act had the same powers as constables to arrest, detain or deport immigrants. To streamline the selection process, these officers could board vessels where determination of eligibility could take place. All passengers of incoming vessels could come under the definition "immigrant", and refusal could take place before landing. No longer could the government be held liable to pay the return fare of deports and the act went as far as to make companies liable not only for return passage, but also for any costs incurred supporting an undesirable immigrant awaiting

deportation.¹⁹⁸

The definition of "undesirable" was expanded and included categories found in British, Australian and Canadian legislation. Under section 16, "prostitutes," "pimps," those convicted of "moral turpitude", and "beggars" were specifically categorized as undesirable. But more important, were the powers described by Justice Minister Higgins in the House of Assembly, to make regulations which could exclude virtually any type of immigrant. Race, occupation, amount of money an immigrant possessed, and significantly, the final destination of such "immigrants" could be reasons for exclusion by Order in Council. Beyond these categories was the "catch all" phrase in section 12 that landing could be prohibited of immigrants of any "class" or "character."¹⁹⁹ What emerges from an evaluation of this act is a clear impression that it was contrived to deal distinctly with North American concerns and to ensure that Newfoundland would not be faced with problems resulting from immigration changes elsewhere.

The American Vice Consul was encouraged by the proposed bill. After receiving it from the Colonial Secretary's office he immediately sent it to Washington. Barringer pointed to "extraordinary powers" of the Governor-in-Council and Minister of Justice, pleased that the new act would correct the

¹⁹⁸ See Appendix (D)

¹⁹⁹ Ibid.

"manifold defects" of the Aliens Act of 1906. Obviously gratified by his successful efforts in St. John's, Vice Consul Barringer said:

In summarizing it should be stated that this legislation can be attributed very largely to the notoriety and evidence of a serious menace affecting the colony, arising from the F.R. Lawrence and Abe Harris immigrant schemes which have been brought to the attention of the local Government.²⁰⁰

While the colony was indeed responding to North American policy changes, the 1926 Newfoundland Immigration Act also represented the end of a long progression in empire immigration legislation which started in the 1850s. The self-governing British colonies each asserted the right to control immigration. What followed was an abundance of legislation which, in 1940 inspired C.F. Fraser to state:

Within the Commonwealth a British subject is no more at liberty to roam from Dominion to Dominion than is an alien, in the strict sense of the word, at liberty to enter any part of the Commonwealth. Nowhere indeed does the term "British subject" mean so little as it does within the British Commonwealth itself.²⁰¹

The white settler colonies enacted legislation which made few distinctions between types of alien citizenship. The British Government's interest was in preserving the unity of a multi-racial empire. With this goal in mind, Whitehall continually opposed overtly discriminatory legislation. The colonies, on

²⁰⁰ NARA, RG-59, 843.55, 1910-1929, box 8889. despatch No. 292, April 30, 1926.

²⁰¹ Fraser, Control of Aliens., p.28.

the other hand, formulated their own domestic agendas which entailed progressively tougher criteria of racial, economic, and later political, acceptability.

Restrictive legislation first appeared in the Australian colony of Victoria in 1855, in response to violence between Chinese and white miners during the previous year. The act entitled "An Act to Make Provision For Certain Immigrants" had the ominous distinction of establishing a ten pound "capitation fee" for every Chinese immigrant landing in the colony and limited the number of Chinese immigrants to a ratio of arriving ships' overall cargo tonnage.²⁰² In succession, Queensland and the other Australian colonies enacted similar and then progressively tougher restrictions. These efforts were then redoubled subsequent to the American exclusion of the Chinese in 1882.²⁰³ The Canadian federal government looked towards the Australian examples for legislation to satisfy British Columbia's desire to exclude Chinese. A fifty dollar "capitation fee" was introduced in 1885, which increased in 1900 to one hundred dollars, until by 1903 it had reached five hundred dollars.²⁰⁴ The Newfoundland Chinese Immigration Act of 1906, which placed a three hundred dollar

²⁰² John Quick and Robert Randolph Garran, The Annotated Constitution of the Australian Commonwealth (Sydney: Angus and Robertson, 1901), pp.624-625.

²⁰³ Johanson, Control or Colour Bar, pp.5-6, and Myra Willard, History of the White Australia to 1920 2nd ed.(Melbourne: Melbourne University Press, 1967), pp.50-51.

²⁰⁴ Evolution of the Immigration Act., p.19.

head tax on Chinese, was the final manifestation of the 1855 Victoria act. The "Immigration Restriction Act" was one of the first pieces of legislation passed after the federation of the Australian Colonies in 1901. The basis for exclusion was a dictation test which could be given in any European language. Which language the test would be administered in was up to the immigration inspector.²⁰⁵ The British government had previously insisted that any further Australian restrictions be implemented via this form of legislation.²⁰⁶ The Secretary of State for the Colonies Joseph Chamberlain conveyed British opposition to overtly discriminatory policies, arguing that the idea would conflict with the Empire tradition of not making distinctions of "race" or "colour." A tradition this may have been, but the British government, in no uncertain terms, was more concerned with the protests of its Indian subjects and its relations with Japan than any sense of higher morality. The only racist phrase in the Australian law was the specification that the dictation was to be in a European language. This was changed in 1905 to "any

²⁰⁵ See "Immigration Restriction Act, No.17 of 1901" as reprinted in A.T. Yarwood, Asian Migration to Australia., pp.157-161.

²⁰⁶ "Coloured race restriction" bills were passed by Australian colonies in 1896, but were reserved and did not receive royal assent. John Quick and Robert Randolph Garran, The Annotated Constitution of the Australian Commonwealth(Sydney: Angus and Robertson, 1901), p.626.

prescribed language"²⁰⁷ as a result of Japanese pressure on the British Government during the Anglo-Japanese alliance negotiations. Other considerations were that Japan had asserted its military strength by inflicting a humiliating defeat on Russia, and Australia was looking for trading partners. Besides changing the Immigration Restriction Act, there was also a formalization of the conditions under which Japanese students, merchants and visitors could gain entry.²⁰⁸ The much maligned "White Australia" policy contained no overtly racist language but its intention was clear: Australia was white and British, and intended to remain that way. However, after the First World War Australia joined Canada in abandoning even the facade of non-discriminatory legislation.

Newfoundland was not the first member of the Empire to borrow Canada's 1919 restrictions. The Canadian definition of subversives was closely emulated by Australia in section 2 of the 1920 amendment to their immigration act.²⁰⁹ In 1925, Australia again looked to Canada's lead in immigration

²⁰⁷ A.H. Charteris, "Australian Immigration Policy", in P.D. Phillips and G.L. Wood, The Peopling of Australia 2nd ed. (Melbourne: Melbourne University Press, 1930), p.83.

²⁰⁸ Neville Meaney, "The Search For Security in the Pacific, 1901-14", A History of Australian Defence and Foreign Policy 1901-23: Volume 1 (Sydney: Sydney University Press, 1976), pp.130-132.

²⁰⁹ Act of the Parliament of the Commonwealth of Australia to Amend "The Immigration Act, 1901-1912." British and Foreign State Papers 1920, Vol.113 (London: His Majesty's Stationary Office, 1923), pp.271-275.

legislation. These measures were a result of the closure of the United States to eastern and southern Europeans after 1924. To stem the growing tide of redirected immigrants, Australia adopted a shortened form of section 38 from Canada's 1919 act. Section 3 of the 1925 Australian amendment stated that the Governor General may prohibit by proclamation the immigration of:

. . . aliens of any specified nationality, race, class, or occupation, in any case where he seems it desirable to do so-on account of the economic, industrial, or other conditions existing in the Commonwealth; because the persons are in his opinion unsuitable for admission into the Commonwealth; or because they are deemed unlikely to become readily assimilated or to assume the duties and responsibilities of Australian citizenship within a reasonable time after their entry.²¹⁰

In Newfoundland's search for expanded immigration controls officials followed the established patterns of Dominion legislation. In 1926 Newfoundland officials responded to the same international pressures as Australia did the previous year, namely the closure of the United States to southern and eastern Europeans. While the Aliens Act represented one of the last vestiges of nineteenth century British liberalism in Newfoundland's body of immigration legislation, the Immigration Act of 1926 epitomized the practical abandonment of such principles. While the "oldest colony" remained nostalgically close to the mother country in many ways, it followed Canada and Australia's lead in

²¹⁰ Cited in Charteris, The Peopling of Australia., pp.87-89.

controlling immigration. As Bassler's research has shown, by the 1930s it was clear to European Jews that while the Aliens Act was still in force, the supposed humanitarianism of the law's refugee clause was an anomaly in the colony's body of immigration legislation.

Conclusion

The 1926 Immigration Act represented the closure of the last open door to North America after the First World War. While the Newfoundland immigration experience was quite different than its counterparts in North America and the British Empire, the colony could not avoid responding to the changing entrance criteria on an international level. The closure of Canada in 1919, the U.S. in 1924, and Australia in 1925 limited the destinations of immigrants wishing to leave southern and eastern Europe. The available evidence suggests that the island did not appear as a second choice for immigrants, rather, its geographic proximity to Canada and the United States held out the opportunity to circumvent the rigid restrictions on the mainland.

Before the First World War Newfoundland officials had very little experience in dealing with immigration. Newfoundland's copying of the Aliens Act and the Chinese Immigration Act clearly indicate that Newfoundland officials were totally unprepared to formulate entrance criteria based on local circumstances. Positive initiatives to attract desirable immigrants failed and the DRC hearings show how the inability to attract and keep desirable settlers instilled officials with a certain sense of futility. British immigrants who would be able to diversify the economy and permanently settle found new homes in the United States and in more

prosperous areas of the empire. On the other hand, the arrival of the Chinese in 1906 first alarmed legislators that the colony might become an attractive destination for "undesirable" immigrants, either in lieu of opportunities elsewhere, or for the purpose of being smuggled to mainland North America.

After the war, while the colony's neighbours were vigorously debating immigration policy and legislating tougher restrictions, the colony continued to attract few newcomers. The Newfoundland government worried more about how these changes would affect emigrating Newfoundlanders, than about legislating their own restrictions. Canada and the United States both affirmed that entrance to their countries would be granted to only a select few. Exclusions based on political, ethnic, cultural, and economic grounds replaced criteria that based entrance on individual merit. Although legislators in the House of Assembly were unaware of it, as in 1906, this shift in policy left Britain's "oldest colony" with the most liberal regulations in North America. The 1924 amendment to the Disembarking of Paupers Act was a realization that it would be "a good thing to have some protection" like its larger neighbours.

The exclusion and deportations of Newfoundlanders from the U.S. and Canada clearly reveal the inability of local politicians to influence the terms by which local labour could enter mainland North America. Newfoundland labour was welcomed

when needed in Nova Scotia and Boston but this traditional migration could be placed in jeopardy at a moment's notice. Although Newfoundland could do little to retaliate, even if legislators wished to do so, the anger over this situation was expressed in the debates over the Disembarking of Paupers Act and the Immigration Act of 1926. With their own citizens facing restrictions elsewhere it was only thought proper that Newfoundland be empowered to effect similar treatment to foreigners. Legislators were frustrated with the immigration policies of Newfoundland's neighbours and were motivated to action by a desire to deport those who were rejected or excluded by mainland North America and became a burden on the colony.

Newfoundland's 1924 act came into force before the real impact of the U.S. changes could be apprehended by legislators or bureaucrats. Responses to requests for information by John Abajian and Frederick R. Lawrence were certainly cautious, but were still premised on judging immigrants on individual merit. Moreover, local officials had not considered the possibility that they might be immigrating in hopes of gaining entry to the North American mainland.

Certainly one of the most important administrative changes of the 1924 U.S. Quota Act was to place immigration screening responsibilities on consular officials outside of the United States. It was Vice Consul Barringer's obligation to ensure that visas were issued properly and that no means

were used to circumvent the stringent quotas. It was his investigations which revealed the true extent of the smuggling schemes. With the support of the State Department, the U.S. Department of Labour Immigration Service, and the Canadian Immigration Branch, this information was used to pressure Colonial Secretary Bennett to lobby for tougher legislation.

In the face of two organized smuggling attempts, Newfoundland politicians realized that the only way to avoid such future situations was to enact new legislation. This legislation had to build a substantial administrative framework and provide for blanket exclusions by regulations that were compatible with North American standards. Both Australia and Newfoundland responded to the American changes by adopting the Canadian model of restrictions which offered flexible and virtually unlimited authority to discriminate based on practically any criteria imaginable. The U.S. quota system was too elaborate for the Australians and certainly for Newfoundland, so the tradition of borrowing legislation within the empire continued.

Newfoundland's dependence on the North American labour market, combined with the local animosity towards "foreigners" taking local jobs, ensured that the colony would follow the precedents of immigrant-receiving countries. As in Canada and the United States, the local media and politicians thought that taking care of their own needs should come first. The idea of allowing immigrants into an uncertain labour market

was opposed by both sides of the House of Assembly and the thought of becoming a staging area for immigrant smuggling, to the acrimony of the two countries that the colony was most dependent upon, was even more unappealing. Canada, and more assertively the United States, made it clear to Newfoundland officials that nothing less than conformity to North American standards would be acceptable. For these reasons, despite an absence of substantial immigration in the previous seventy years, Newfoundland enacted the Immigration Act of 1926.

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CAP. III.

An Act to regulate the Law with regard to Aliens

(Passed both May 1906)

SECTION	SECTION
1—Respecting the landing of immigrants and of such as are undesirable	expense of Colony or of master of the ship in which he came
2—Governor in Council may make rules	5—Duty of master to furnish particulars
3—The expulsion order	6—Respecting the appointment of inspectors and officers
4—When expulsion order made alien to be conveyed from Colony at	7—Penalties
9—Short title and suspending section.	8—Interpretation section

Enacting clause

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

Respecting the landing of immigrants and of such as are undesirable.

1 (1) An immigrant shall not be landed in this Colony from an immigrant ship except at a port of entry, and shall not be landed at any such port without the leave of the Collector of Customs at that port, given after an inspection of the immigrants made by him on the ship, or elsewhere if the immigrants are conditionally disembarked, for the purpose, in company with a medical inspector; such inspection is to be made as soon as practicable, and the Collector shall withhold leave in the case of any immigrant who appears to him to be an undesirable immigrant within the meaning of this section.

(2) Where leave to land is so withheld in the case of any immigrant, the master, owner, or agent of the ship, or the immigrant, may appeal to the Minister of Finance and Customs, and that officer shall, if he is satisfied that leave to land should not be withheld under this Act, give leave to land and leave so given shall operate as the leave of the Collector.

(3) For the purposes of this section an immigrant shall be considered an undesirable immigrant:—

(a) If he cannot show that he has in his possession, or ^{Respecting also} is in a position to obtain, the means of decently ^{landed of immi-} supporting himself and his dependents (if any); ^{grants and of such} or ^{as are undesirable}

(b) If he is a lunatic or an idiot, or owing to any disease or infirmity appears likely to become a charge upon the rates, or otherwise a detriment to the public; or

(c) If he has been sentenced in a foreign country between which and the United Kingdom there is an Extradition Treaty, for a crime, not being an offence of a political character, which is, as respects that country, an extradition crime within the meaning of the Act of the Imperial Parliament, entitled "Extradition Act, 1870"; or

(d) If an expulsion order under this Act has been made in his case;

but, in the case of an immigrant who proves that he is seeking admission to this Colony solely to avoid prosecution or punishment on religious or political grounds, or for an offence of a political character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means or the probability of his becoming a charge on the public funds; nor shall leave to land be withheld in the case of an immigrant who shows to the satisfaction of the Minister of Finance and Customs that, having taken his ticket in this Colony and embarked direct therefrom for some other country immediately after a period of residence in this Colony of not less than six months, he has been refused admission in that country and returned direct therefrom to a port in this Colony; and leave to land shall not be refused merely on the ground of want of means to any immigrant who satisfies the Minister of Finance and Customs that he was born in this Colony, his father being a British subject.

(4) The Governor in Council may, subject to such conditions as he thinks fit to impose, by order exempt any immigrant ships from the provisions of this section if he is satisfied that a proper system is being maintained for preventing the embarkation of undesirable immigrants on those ships, or if security is given to his satisfaction that undesirable immigrants will not be landed in this Colony from those ships except for the purpose of transit.

Any such order of exemption may be withdrawn at any time at the discretion of the Governor in Council

(5) Any immigrant who lands, and any master of a ship who allows an immigrant to be landed, in contravention of this section shall be guilty of an offence under this Act; but an immigrant conditionally disembarked shall not be deemed to have landed, so long as the conditions are complied with.

Governor in Council may make rules.

2. The Governor in Council may make rules generally with respect to the duties of the Minister of Finance and Customs and Collectors of Customs under this Act, and with respect to appeals to the Minister of Finance and Customs, and with respect to the conditional disembarkation of immigrants for the purpose of inspection, appeals, or otherwise, and may by those rules amongst other things provide for the security to be given by the master of the ship in the case of immigrants conditionally disembarked. Rules made under this section shall provide for notice being given to masters of immigrant ships and immigrants informing them of their right of appeal; and also, where leave to land is withheld in the case of any immigrant by the officer, for notice being given to the immigrant and the master of the immigrant ship of the grounds on which leave has been withheld.

The expulsion order.

3. (1) The Governor in Council may, if he thinks fit, make an order (in this Act referred to as an expulsion order) requiring an alien to leave this Colony within a time fixed by the order, and hereafter to remain out of this Colony.

(a) If it is certified to him by any Poor Commissioner, Magistrate, or Justice of the Peace, within twelve months after the alien has last entered this Colony, that the alien—

(1) Has, within three months from the time of granting such certificate, been in receipt of any poor relief, or been found wandering without ostensible means of subsistence, or been living under insanitary conditions due to overcrowding; or

(2) Has entered this Colony after the passing of this Act, and has been sentenced in a foreign country between which and the United Kingdom there is an extradition treaty, for a crime not being an offence of a political character which is as respects that country an extradition crime within the meaning of the Act of the Imperial Parliament, entitled "Extradition Act, 1870."

(2) If any alien in whose case an expulsion order has been made is at any time found within this Colony in contravention of the order, he shall be guilty of an offence under this Act.

4. (1) When an expulsion order is made in the case of any alien, the Governor in Council may, if he thinks fit pay the whole or any part of the expenses of or incidental to the departure from this Colony, and maintenance until the departure of the alien and his dependents (if any).

(2) If an expulsion order is made in the case of any alien not being an alien who last entered this Colony before the commencement of this Act, or an immigrant (in whose case leave to land has been given under this Act) on a certificate given within six months after he has last entered this Colony, the master of the ship in which he has been brought to this Colony, and also the master of any ship belonging to the same owner, shall be liable to pay to the Minister of Finance as a debt due to the

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Duty of master to furnish particulars.

5. (1) The master of any ship landing or embarking passengers at any port in this Colony shall furnish to such person, and in such manner as the Minister of Finance and Customs directs, a return, giving such particulars with respect to any such passengers who are aliens as may be required for the time being by order of the Minister of Finance and Customs, and any such passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be guilty of an offence under this Act, and if any alien refuses to give information required by the master of the ship for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labor.

(3) The Governor in Council may, by order, exempt from the provisions of this section any special class of passengers or voyagers, or any special ships or ports, but any such order may be withdrawn at any time at his discretion.

6. (1) The Governor in Council shall appoint, at such ports in this Colony as he thinks necessary for the time.

being medical inspectors, and may appoint or employ such other officers or persons as may be required for the purpose of the returns to be given under this Act, or otherwise for carrying this Act into effect. ^{respecting the appointment of inspectors and officers.}

(2) The Governor in Council may arrange with the Minister of Finance and Customs or any other Government department or any other public office for the appointment or employment of officers of Customs or other public officers as officers under this Act.

(3) The Governor in Council shall make known, in such manner as he thinks best suited for the purpose, the ports at which officers are for the time being appointed under this Act.

7. (1) Any person guilty of an offence under this Act shall, if the offence is committed by him as the master of a ship, be liable, on summary conviction, to a fine not exceeding five hundred dollars, and, if the offence is committed by him as an immigrant or alien, to imprisonment for a term not exceeding three months with hard labour. ^{Penalties.}

(2) When a fine under this Act is imposed by a Court, Judge or Magistrate, and the master or owner of any ship is ordered to pay the same and the same is not paid at the time and in the manner prescribed, the Court, Judge, or Magistrate making the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

(3) Any immigrant who is conditionally disembarked, and any alien in whose case an expulsion order is made, while awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves this Colony, and any alien in whose case a certificate has been given by a Court with a view to the making of an

expulsion order under this Act, until the Minister of Finance and Customs has decided upon his case, shall be liable to be kept in custody in such manner as the Minister of Finance and Customs directs, and whilst in that custody shall be deemed to be in legal custody.

(4) If any immigrant, master of a ship, or other person, for the purpose of this Act, makes any false statement, or false representation to a Collector, Medical Inspector, or the Minister of Finance and Customs, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labor.

(5) If any question arises on any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

(6) In carrying out the provisions of this Act, due regard shall be had to any treaty, convention, arrangement, or engagement with any foreign country.

<sup>Interpretation
- Colon.</sup>

8 (1) The expression "immigrant" in this Act means an alien steerage passenger who is to be landed in this Colony, but does not include—

(a) Any passenger who shows to the satisfaction of any Collector or the Minister of Finance and Customs that he desires to land in this Colony only for the purpose of proceeding within a reasonable time to some destination out of this Colony; or

(b) Any passengers holding prepaid through tickets to some such destination, if the master or owner of the ship by which they are brought to this Colony, or by which they are to be taken away from this Colony, gives security to the satisfaction of the Minister of Finance and Customs

1906.

Aliens Act

Cap. 3.

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that, except for the purposes of transit or under Interpretation. other circumstances approved by the Minister of Finance and Customs, they will not remain in this Colony, or, having been rejected in another country, re-enter this Colony and that they will be properly maintained and controlled during their transit.

(2) The expression "immigrant ship" in this Act means a ship which brings to this Colony more than twenty alien steerage passengers, who are to be landed in this Colony, whether at the same or different ports, or such number of those passengers as may be for the time being fixed by order of the Governor in Council, either generally or as regards any special ships or ports.

(3) The expression "passenger" in this Act includes any person carried on the ship other than the master and persons employed in the working, or service, of the ship, and the expression "steerage passenger" in this Act includes all passengers except such persons as may be declared by the Minister of Finance and Customs to be cabin passengers by order made either generally or as regards any special ships or ports.

(4) If any question arises under this Act on an appeal to the Minister of Finance and Customs whether any ship is an immigrant ship within the meaning of this Act, or whether any person is an immigrant, a passenger, or a steerage passenger, within the meaning of this Act, or whether any offence is an offence of a political character, or whether a crime is an extradition crime, that question shall be referred to the Governor in Council, in accordance with rules made under this Act, and the Minister of Finance and Customs shall act in accordance with his decision.

(5) The Governor in Council may withdraw or vary any order made by him under this section

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Cap. 3.

Aliens Act

6 Ed. VII.

Short title and suspending section.

9. This Act may be cited as the Aliens' Act, 1906, and shall come into operation on a day to be appointed for that purpose by Proclamation of the Governor to the effect that the same has been approved and confirmed by His Majesty in Council.

CAP. IV.

An Act to amend Chapter 73 of the Consolidated Statutes, (Second Series), entitled "Of Preventing Enlistment in the Services of any Foreign State, and the Exportation of Arms and Munitions of War."

[Passed 19th May, 1906]

SECTION 1. Substitution for sec. 2 of Con. Stat., ap. 74

SECTION 2. — Repealing section.

Enacting clause.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

Substitution for sec. 2 of Con. Stat., cap. 73.

1. Section two of Chapter 73, of the Consolidated Statutes (Second Series), as substituted by the Act 3 Ed. VII., Cap. 4 is hereby repealed, and the following substituted therefor:

(2) The Governor in Council may, by Proclamation in the *Royal Gazette*, prohibit the exportation of Arms, Gun-powder, and Munitions of War, Military and Naval Stores, including tents, uniform and equipment, explosives and ingredients used in the manufacture of explosives, guns and gun mountings of all descriptions, with their component parts, accoutrements, balloons, kites and airships, fuses and detonators, trenching tools, materials used in ship construction, including rivet iron, angle iron, round bars, rivets, sheet plate iron, forgings and armour plates, marine engines, and the parts thereof, in-

CAP. II.

An Act respecting the Immigration of Chinese Persons.

[PASSED 10TH MAY, 1906.]

SECTION	SECTION
1.—Persons of Chinese origin to pay a tax of \$300; Exemptions.	10.—Respecting persons of Chinese origin in transit.
2.—Number of Chinese immigrants to be carried by one vessel.	11.—Respecting persons of Chinese origin leaving colony and intending to return.
3.—Master of vessel not to land immigrants without permit.	12.—Penalties for evasion or attempted evasion of provisions of Act.
4.—Permit may be granted after bill of health granted.	13.—Penalties for taking part in Chinese Courts.
5.—No permit to be granted in respect of certain persons.	14.—Penalty for molesting officer.
6.—Sub-Collector shall furnish a certificate to each immigrant.	15.—General penalty.
7.—Register of certificates.	16.—Procedure.
8.—Master to be liable for tax and shall deliver a list of passengers and crew.	17.—Disposition of taxes and penalties.
9.—Penalty for offence against Act by master of vessel.	18.—Governor in Council may make regulations.
	19.—Interpretation section.
	20.—Sweeping section.

Enacting clause.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

Persons of Chinese origin to pay a tax of \$300;

1. Every person of Chinese origin, irrespective of allegiance, shall on entering this Colony pay at the port or place of entry, a tax of three hundred dollars (\$300.00), except the following persons, who shall be exempt from such payment, that is to say:

Exemptions.

- (a) The members of the Diplomatic Corps, or other Government representatives, their suites and their servants, and Consuls and Consular Agents;
- (b) Clergymen, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the Sub-Collector of Customs, subject to the approval of

the Minister of Finance and Customs, or who are bearers of certificates of identity, specifying their occupation and their object in coming into this Colony, or other similar documents issued by the Government or by a recognized official or representative of the Government whose subjects they are;

(c) In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting this Colony, the tax payable under the first sub-section of this section may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master on his return to China, if within twelve months of the date of his arrival in this Colony, and upon returning to the Sub-Collector of such port the certificate referred to in the sixth section hereof.

(2) Every such certificate or other document shall be in the English or French language, and shall be examined and endorsed by a British Consul or Charge d'Affaires, or other accredited representative of His Majesty, at the place where it is granted, or at the port or place of departure.

(3) Persons of Chinese origin claiming on their arrival to be students; but who are unable to produce the requisite certificate as hereinbefore provided for, shall be entitled to a refund of the tax exacted from them on the production within eighteen months from the date of their arrival in this Colony of certificates from teachers in any School or College in this Colony showing that they are and have been for at least one year *bona fide* students in attendance at such School or College.

(4) Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall, for the

purpose of this Act, be deemed to be of the same nationality as her husband; and the children of the said wife and husband shall be deemed to be of the same nationality as the father.

Number of Chinese immigrants to be carried by one vessel.

2. No vessel carrying Chinese immigrants to any port in this Colony shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall incur a penalty of two hundred dollars for each Chinese immigrant so carried in excess of such numbers.

Master of vessel not to land immigrants without permit.

3. No master of any vessel carrying Chinese immigrants shall land any person of Chinese origin, or permit any to land from such vessel, until a permit to do so, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the Sub-Collector; and every master of a vessel who violates the provisions of this section shall incur a penalty of five hundred dollars.

(2) The landing of a person of Chinese origin from a vessel wherever referred to in this Act shall not be held to apply to the landing of such person on the wharf and the placing of him in a proper building where he may remain until the provisions of this Act have been complied with and the Sub-Collector has given his authority for his departure therefrom, or to the temporary landing of any Chinese sailor for the purpose of assisting in the lading or unlading of the vessel to which he belongs or for the purpose of his transfer to another vessel, and such person or sailor, while in such building or while so employed or waiting such transfer, shall for the purpose of this Act be held to be on board the vessel by which he arrived. This provision, however, shall not allow the placing of such person in such building until all quarantine requirements have been complied with.

4. No Sub-Collector at any port shall grant a permit ^{permit may be granted after bill of health granted.} allowing Chinese immigrants to land, until the Quarantine or Health Officer has granted a bill of health and has certified, after due examination, that no leprosy or infectious, contagious, loathsome or dangerous disease exists on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious, contagious, loathsome or dangerous disease.

5. No Sub-Collector of Customs or other officer charged ^{No permit to be granted in respect of certain persons.} with the duty of assisting in carrying the provisions of this Act into effect shall grant a permit allowing to land from any vessel, either as an immigrant or as an exempt, or as in transit, any person of Chinese origin who is—

- (a) A pauper or likely to become a public charge;
- (b) An idiot or insane;
- (c) Suffering from any loathsome, infectious or contagious disease;
- (d) A prostitute or living on the prostitution of others

(2) All such persons are prohibited from entering this Colony; and if they enter they shall be liable to imprisonment for a term not exceeding six months, and shall in addition be liable to deportation, and the master, conductor or other person who knowingly lands or brings or assists or permits to land in this Colony, any such person of Chinese origin, shall also be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

6. The Sub-Collector shall deliver to each Chinese immigrant ^{Sub-Collector shall furnish a certificate to each immigrant} who has been permitted to land or enter, and in respect of whom the tax has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing and an acknowledgment that the duty has been duly paid; and such certificate shall be *prima facie* evidence

that the person presenting it has complied with the requirements of this Act; but such certificate may be contested by His Majesty or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained; and such contestation shall be heard and determined in summary manner by any Stipendiary Magistrate where such certificate is produced.

Register of certificates

7. The Assistant Collector of Customs, and such Sub-Collectors as are by him authorized so to do, shall each keep a register of all persons to whom certificates of entry have been granted.

Master to be liable for tax and shall deliver a list of passengers and crew.

8. Every master of any vessel bringing Chinese immigrants to any port or place in this Colony shall be personally liable to His Majesty for the payment of the tax imposed by this Act in respect of any such immigrant carried by such vessel, and shall deliver, together with the total amount of such tax, to the Sub-Collector, immediately on his arrival in port and before any of his Chinese crew or passengers disembark, a complete and accurate list of his crew and such passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each of such immigrant passengers.

Penalty for offence against Act by master of vessel.

9. Every master of any vessel who lands or allows to be landed off or from any vessel any Chinese immigrant before the tax payable under this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel or vehicle, shall, in addition to the amount of the tax payable under the foregoing provisions of this Act, be liable to a penalty not exceeding one thousand dollars and not less than five hundred dollars for every such offence, and in default of payment to imprisonment for a term not exceeding twelve months; and such vessel shall be forfeited to His Majesty, and shall be seized by an officer charged with the duty of carrying this Act into effect, and dealt with accordingly.

10. Persons of Chinese origin may pass through this Colony in transit from one port or place out of this Colony to ^{persons of Chinese origin in transit.} another port or place out of this Colony without payment of the tax provided for by section 1 of this Act; provided that such passage is made in accordance with and under such regulations as are made for the purpose by the Governor in Council; and any railway or other transportation Company which undertakes to transport such persons through this Colony, and fails to comply with such regulations, shall be subject to a penalty not exceeding five hundred dollars.

11. Every person of Chinese origin who wishes to leave this Colony, with the declared intention of returning thereto, ^{persons of Chinese origin leaving colony and intending to return.} shall give written notice of such intention to the Sub-Collector at the port or place whence he purposes to sail or depart, in which notice shall be stated the foreign port or place which such person wishes to visit, and the route he intends taking both going and returning, and such notice shall be accompanied by a fee of one dollar; and the Sub-Collector shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary under such regulations as are made for the purpose.

(2) The person so registered shall be entitled on his return, if within two years of such registration, and on proof of his identity to the satisfaction of the Sub-Collector (as to which the decision of the Sub-Collector shall be final) to free entry as an exempt or to receive from the Sub-Collector the amount of the tax, if any, paid by him on his return; but if he does not return to this Colony within two years from the date of such registration, he shall, if returning after that date, be subject to the tax payable under the provisions of section 1 of this Act in the same manner as in the case of a first arrival.

12. Every person of Chinese origin who wilfully evades or attempts to evade any of the provisions of this Act as re-

Penalties for evasion or attempted evasion of provisions of Act.

spects the payment of the tax, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such person of Chinese origin in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both.

Penalties for taking part in Chinese Courts.

13. Every person who takes part in the organization of any sort of Court or tribunal composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organization, or who takes part in any of its proceedings, or who gives evidence before any such Court or tribunal, or assists in carrying into effect any decision, decree or order of any such Court or tribunal, is guilty of an indictable offence and liable to imprisonment for any term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both; but nothing in this section shall be construed to prevent Chinese persons from submitting any differences or disputes to arbitration; provided such submission is not contrary to the laws in force in this Colony.

Penalty for molesting officer.

14. Every person who molests or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of an indictable offence and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars.

General penalty.

15. Every person who violates any provisions of this Act for which no special punishment is herein provided, is guilty of an indictable offence, and liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months.

Procedure.

10. All suits or actions for the recovery of taxes or penalties under this Act, and all prosecutions for contraventions of this Act which are not herein declared to be indictable

offences, shall be tried before one or more Justices of the Peace, or before a Stipendiary Magistrate.

17. All taxes, pecuniary penalties, and revenues from other sources under this Act shall be paid into and form part of the Newfoundland Government Exchequer Account.

18. The Governor in Council may make such regulations as are necessary to prohibit the entry into this Colony of any greater number of persons from any foreign country than the laws of such country permit to emigrate to this Colony.

19. In this Act, unless the context otherwise requires— Interpretation section.

(a) The expression "master" means any person in command of or in charge of any vessel.

(b) The expression "Chinese immigrant" means any person of Chinese origin (including any person whose father was of Chinese origin) entering this Colony and not entitled to the privilege of exemption provided for by section 1 of this Act.

(c) The expression "tonnage" means the gross tonnage according to the measurement fixed by the Merchant Shipping Acts of the Parliament of the United Kingdom.

20. This Act shall come into operation upon a day to be appointed for that purpose by Proclamation of His Excellency the Governor, to the effect that the same has been approved and confirmed by His Majesty in Council.

Constabulary Force for the benefit of its Widows and Orphans Relief Fund.

Proclamation

60. This Act shall come into force and effect on a day to be proclaimed by the Governor-in-Council, through the *Newfoundland Gazette*, and upon that day all the rights, property and effects of the Colony in the possession or under the authority of the Controller shall pass to the Board appointed hereunder.

Repeal

61. Chapter 68 of the Consolidated Statutes (Third Series, entitled "Of the Prohibition of Intoxicating Liquors," and Chapter 22, 8 George V., entitled "An Act to amend the Acts relating to the Prohibition of the Importation, Manufacture and Sale of Intoxicating Liquors" are hereby repealed, as on the day proclaimed by the Governor-in-Council for the coming of this Act into force.

CAP. X.

An Act to amend Chapter 73 of the Consolidated Statutes (Third Series) Entitled "Of the Disembarking of Paupers."

Passed August 12, 1924.

SECTION—

- 1.—Amending Clause.
- 2.—Minister of Justice may make Expulsion Order.

SECTION—

- 3.—Master of Ship Responsible.
- 4.—Offences and Penalties.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Chapter 73 Consolidated Statutes (Third Series) Entitled "Of the Disembarking of Paupers" is hereby

Amending
Clause

amended by adding thereto the following as Section 2, 3 and 4.

2. The Minister of Justice may make an expulsion order respecting any person not born in this Colony, requiring such person to leave the Colony within a time fixed by such order, and thereafter remain out of this Colony.

(a) If he cannot show that he has in his possession, or is in a position to obtain, the means of decently supporting himself and his dependents, if any, or who has been in receipt of any poor relief, or has been found wandering without ostensible means of subsistence, or has been living under insanitary conditions due to overcrowding; or

(b) If he is a lunatic, an idiot or a degenerate, or who owing to any disease or infirmity, mental or physical, appears likely to become a charge upon the Colony, or otherwise a detriment to the public; or

(c) Who has been convicted of any offence against any of the laws of Newfoundland; or

(d) Who in the opinion of the Minister of Justice is an undesirable person; or

(e) Who, after being expelled is found within the Colony in contravention of an expulsion order.

3. (1) When an expulsion order is made by the Minister of Justice in the case of any person the Master of the Ship upon which such person has been brought into the Colony and also the Master of any ship belonging to the same Owner shall be liable to pay the Minister of Finance as a debt due to the Crown any sum or sums paid or any expenses incurred by any department of the Government in connection with the maintenance of such person and shall, if required by the Minister of Justice, receive the said person

and his or her dependents, if any, on board his ship and afford them free of charge a passage to the port of embarkation and provide accommodation and maintenance during the passage.

- (2) If the Master of the ship fails to comply with the provisions of this section as to giving a passage to such person deported or expelled from the Colony he shall be guilty of an offence under this Chapter.

Offences and Penalties

4. Any person who shall contravene any of the provisions of this Chapter shall be guilty of an offence, and shall be liable on summary conviction before a Stipendiary Magistrate to a fine not exceeding \$500.00 or to imprisonment for a term not exceeding three months with hard labour, or to both fine and imprisonment.

CAP. XI.

An Act to amend Chapter 24 of the Consolidated Statutes (Third Series) entitled "Of Payment of Certain Fees and Charges By Stamps."

Passed July 25th., 1924.

SECTION 1.—Amendment of Sec. 20 of Chap. 24 of Cons. Stat.
(3rd Series).

BE it enacted by the Governor, the Legislative Council and the House of Assembly, in Legislative Session convened, as follows:—

Amendment of
Sec. 20 of Chap.
24 of Cons. Stat.
(3rd Series).

1. Section 20 of Chapter 24 of the Consolidated Statutes (Third Series) is hereby amended by striking out therefrom the words "five dollars" and substituting therefor the words "twenty-five dollars."

Mrs. M. Winslow, Matron, Fever Hospital.....	591.00
Thomas Fagen, Mail Courier and Ferryman, St.	
Mary's Bay	106.66
P. Mansfield, Ferryman, Placentia.....	300.00
William North, P. M. Bay-de-Verde.....	100.00
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	\$10,695.38
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CAP. XXIX.

An Act Respecting Immigration

(Passed June 9, 1926)

SECTION—

- 1.—Short title.
- 2.—Act and Cap. 77 Cons. St. to be read together.
- 3.—Interpretation
- 4.—Establishment of immigration Offices.
- 5.—Appointment of Commissioners and other Officers.
- 6.—Appointment of Subordinate Officers.
- 7.—Duty of Officers.
- 8.—Powers of Officers.
- 9.—Power to examine Manifest and Bill of Health.
- 10.—Conditions respecting landing of immigrants.
- 11.—Regulations by Governor-in-Council.

SECTION—

- 12.—Power to prohibit landing of immigrants in certain cases.
- 13.—Power to make order for Deportation.
- 14.—Liability of owner and master of ship in certain cases.
- 15.—Penalties.
- 16.—Certain classes of persons to be considered undesirable immigrants.
- 17.—Application of this Act in case of conflict with Cap. 77.
- 18.—Respecting application of Act to certain persons.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

Short title.

1. This Act may be cited as "The Immigration Act, 1926."

2. This Act and Chapter 77 of the Consolidated Act and Cap. Statutes (3rd Series) entitled "Of Aliens and Immigration" shall be read and construed together as one Act. Wherever the words "this Act" occur in the following sections, such words shall, whenever the context so allows, be deemed to include and refer to the said Chapter 77 of the Consolidated Statutes (3rd Series) as well as this Act.

3. In this Act the words—

Interpretation

"Minister" shall mean the Minister of Finance and Customs.

"Immigrant" shall, in addition to the meaning assigned to it by Section 8 of said Chapter 77, also include any passenger or other person on board any vessel arriving in this Colony.

4. The Governor-in-Council may establish and maintain immigration offices at such places within and outside of this Colony as from time to time seems proper.

5. The Governor-in-Council may appoint Commissioners of Immigration and such other Officers as are deemed necessary for carrying out the provisions of this Act. Until such Commissioners or other Officers are appointed the Collectors of Customs at any port in this Colony shall perform the duties of and be deemed to be Immigration Officers.

6. Subject to any regulations in that behalf, the Minister may appoint or employ, either permanently or temporarily, any Subordinate Officers, not otherwise provided for, required in furtherance of the provisions and objects of this Act, including medical officers, inspectors, guards, matrons and nurses at immigrant offices or stations, and may confer upon them, and charge them with such power and duties as he considers necessary or expedient.

(3) Every immigrant as to whose right to land the Examining Officer has any doubt, shall be detained for further examination by the Officer or by the Minister and such examination shall be forthwith conducted separate and apart from the public, and upon the conclusion thereof such immigrant shall be either landed or shall be rejected and kept in custody pending his deportation.

11. Regulations made by the Governor-in-Council Regulations by under this Act may provide as a condition to permission Governor-in-Council to land in this Colony that Immigrants shall possess in their own right money to a prescribed minimum amount which amount may vary according to the race, occupation or destination of such immigrant and otherwise according to the circumstances; and may also provide that all persons coming to this Colony directly or indirectly from countries which issue passports or penal certificates to persons leaving such countries shall produce such passports or penal certificates on demand of the Immigration Officer before being allowed to land in this Colony.

12. The Governor-in-Council may, by Proclamation Power to prohibit Landing of immigrants in certain cases, or order whenever he deems it necessary, or expedient,—

(a) prohibit the landing in this Colony of immigrants brought to this Colony by any transportation company which refuses or neglects to comply with the provisions of this Act;

(b) prohibit for a stated period, or permanently the landing in this Colony, or the landing at any specified port of entry in this Colony, of immigrants belonging to any race deemed unsuited to the climate or requirements of this Colony, or of immigrants of any specified class, occupation or character.

13. An order for deportation may be made by the Minister or by the Immigration Officer in the case of any Power to make order for Deportation.

Duties of Officers.

7. Every Officer appointed under this Act shall perform all duties prescribed for him by this Act, or by any Order-in-Council, Proclamation or Regulation made thereunder, and shall also perform such duties as are required of him by the Minister, either directly or through any other Officer; and no action taken by any such Officer under or for any purpose of this Act shall be deemed to be invalid or unauthorized merely because it was not taken by the Officer specially appointed or detailed for the purpose.

Powers of Officers.

8. Every Officer appointed under this Act shall have the authority and power of a Constable to enforce any of the provisions of this Act relating to the arrest, detention or deportation of immigrants.

Power to examine Manifest and Bill of Health.

9. (1) Before any Immigrants or other persons are permitted to leave a vessel in this Colony the Immigration Officer in charge, or any Officer directed so to do, may go on board and inspect such vessel and examine and take extracts from the manifest of passengers, and from the bill of health.

(2) The Master shall permit any examination of passengers required under this Act to be made on board his vessel whenever so directed by the Immigration Officer.

Conditions respecting landing of immigrants.

10. (1) Every immigrant seeking to land in this Colony shall first appear before an Immigration Officer, and shall be forthwith examined as required under this Act, either on shipboard or at some other place designated for that purpose.

(2) Every immigrant seeking to land in the Colony shall answer truly all questions put to him by any Officer when examined under the authority of this Act.

immigrant rejected or landing without leave or landing contrary to any of the provisions of this Act and a copy of said Order shall be delivered to such immigrant and a Copy served upon the Master or Owner of the ship or the local Agent of such Ship or Owner, and such immigrant shall thereupon be deported by such Owner or Ship.

Liability of owner and master of ship in certain cases.

14. When any immigrant is rejected or ordered to be deported from this Colony the Owner and Master of the ship in which he has been brought to this Colony, and also the Master of any ship belonging to the said Owner, shall be liable to pay to the Minister as a debt due to the Crown any sums paid in connection with such person and his maintenance in this Colony and shall, whenever so directed by the Minister, deport such persons from this Colony to the country whence he came in such ship, and at the cost of the Owner or Master, and in case of neglect or refusal so to do such Owner or Master shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence; and no such vessel shall have clearance from any port in Newfoundland until such fine and such debt are paid.

Penalties.

15. Any person guilty of any offence against this Act shall, if no other penalty is prescribed, be liable on summary conviction before a Stipendiary Magistrate in the case of an offence by a Master of a ship to a fine not exceeding five hundred dollars, and no clearance from any port in this Colony shall be permitted such ship until such fine is paid; and in the case of an offence by an immigrant to imprisonment for a term not exceeding three months with hard labour.

Certain classes of persons to be considered undesirable immigrants.

16. The following classes of persons shall be considered undesirable immigrants under Section 1 of said Chapter 77 in addition to those therein mentioned, that is to say—

- (a) persons who have been convicted of any crime, involving moral turpitude;
- (b) prostitutes and women and girls coming to Newfoundland for any immoral purpose and pimps or persons living on the avails of prostitution;
- (c) persons who procure or attempt to bring into Newfoundland prostitutes or women or girls for the purpose of prostitution or other immoral purpose;
- (d) professional beggars or vagrants, or persons likely to become a public charge.

17. In case of any conflict between any of the provisions of this enactment and of the said Chapter 77, the provisions of this enactment shall apply.

18. This Act shall not apply to any person seeking admission into the Colony under the provisions of Chapter 79 (Consolidated Statutes (3rd Series) entitled "Of the Immigration of Chinese persons," nor to any British subject born in this Colony nor to any person domiciled in this Colony.

COUNTRY OR REGION	Under Immigration Act of 1921				Under Immigration Act of 1924	
	1923		1924		1925	
	Quota	Number admitted	Quota	Number admitted	Quota	Number admitted
Estonia	1348	241	1348	1224	124	113
France	5729	5034	5729	5729	3954	3481
Germany	67607	49258	67607	67607	51227	45760
Great Britain, Ireland*	77342	77342	77342	77342	34007	30461
Greece	3294	3294	3063	3063	100	95
Hungary	5638	5638	5747	5747	473	357
Italy	42057	42057	42057	42057	3845	2662
Latvia	1540	1513	1540	1540	142	127
Lithuania	2460	2460	2629	2629	344	332
Poland	31146	29730	30977	30977	5982	4873
Rumania	7419	7419	7419	7419	603	595
Russia	24405	24405	24405	24405	2248	2141
Turkey	2388	2388	2654	2654	100	96

* Prior to 1925 figures include all Ireland; in 1925, Northern Ireland only.

Extracted from Statistical abstracts of the United States
1925 (Washington: Government Printing Office, 1926).

