

THE POLITICAL HISTORY OF NEWFOUNDLAND  
1861-1869

EDWARD C. MOULTON











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## ABSTRACT

The 1860's were important years in the history of Newfoundland. In 1861, six years after the establishment of responsible government, Newfoundland was torn by one of the worst periods of civil strife in her history following the Governor's dismissal of his Liberal, and predominantly Roman Catholic, Government and their replacement by a Protestant Conservative Executive Council. Before the sectarian and political turmoil had completely subsided, the question of confederating with the other British North American colonies was introduced into local politics.✓ In 1865, partly as a result of the agreement among leaders of both parties on confederation, a coalition government, the first to include Liberals and Conservatives, was formed.✕ From that time the principle of the distribution of patronage and administrative offices in proportion to the strengths of the religious denominations was put into operation--a system which has proved over the years to be a workable solution to the problem of minimizing denominational jealousy.✓ Confederation was the dominant issue until 1869 when the colony decided, by a general election, not to join the Dominion of Canada.✕ Problems relating to French rights in Newfoundland remained unsettled and disputes were likely to erupt at any time as the demand for greater Newfoundland control over the French Shore increased. The first determined and successful effort to establish more effective control over the large dependency of Labrador was



made in the 1860's. Throughout most of the period the colony was experiencing an economic depression and this resulted in serious financial problems for the Government.x

The first chapter of the thesis gives the political and economic background of the period and summarizes the chief events from the introduction of responsible government in 1855 to the dismissal of the Liberal administration in 1861. It stresses the political and sectarian bitterness, the instability of the economy, and the problem of French rights in Newfoundland. The next chapter traces the events which led to the dismissal of the Liberal administration by the Governor and the third describes the strife which followed that action. The fourth and sixth chapters deal with the administrations of Hugh W. Hoyles and F.B.T. Carter. They are, in the main, concerned with economic and financial matters, legislation, party politics, the French Shore, and Labrador. Two chapters are devoted to confederation. The first deals with Newfoundland's participation in the Quebec conference, the reaction of the public and the Legislature of the colony, and the postponement of a decision during the sessions of 1865, 1866, and 1867. The second chapter on confederation deals with the adoption of terms of union by the Newfoundland Legislature in 1869, negotiation with the Canadian Government, and the hard fought general election of that year in which the anti-confederates were victorious. Many of the political, economic, and social problems confronting Newfoundland in 1861 remained unsolved in 1869, but the thesis shows that there was, nonetheless, progress in the colony during these years and that there was a most important increase in political stability.



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Edward C. Moulton, B.A.(Ed.)



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This thesis has been examined and approved by:



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## PREFACE

Little study has been done previously on the history of Newfoundland following the introduction of responsible government although this is an important and interesting period. Agitation by Newfoundland's representative Assembly helped to induce Britain to concede responsible government to the colony in 1855. But serious difficulties were almost inevitable in a colony with a small, largely illiterate, and widely scattered population inexperienced in the working of representative institutions; with political parties founded predominantly on religious differences; with an economy based on a single precarious industry; and with a foreign nation holding effective control over nearly half its coastline. Economic depression began in 1860 and the following year political and sectarian strife was aroused following the Governor's dismissal of his Executive Council. From 1864 to the end of the decade the question of confederating with the mainland colonies was the principal issue in Newfoundland politics and much attention is given to this subject in the thesis. The thesis deals chiefly with the internal political history of the colony, but much attention is given to the question of French rights in Newfoundland and the island's administration of its dependency of Labrador, since these subjects are closely related to internal developments. Some attention has been given, also, to economic and social developments because they are closely connected with political history.

The year 1861 was chosen as a starting point largely because a thesis, (of which I was unable to obtain a copy)



covering the period of representative government and the introduction of responsible government in Newfoundland, has recently been completed at the University of London. The year 1869 was a natural concluding point because of the colony's decision to remain outside the Dominion of Canada and to try to follow an independent course. The thesis is based almost solely on primary material, most of which consists of official correspondence and is available at the Newfoundland Archives. Few important pamphlets were available, but much use was made of newspapers of which there are extensive, although incomplete, files at the Gosling Memorial Library, St. John's. It is to be regretted that there are no private papers available on any of the prominent men of the period. No original research has been conducted previously into the strife-torn period of the early 1860's and an effort has been made in this thesis to examine the causes, nature, and results of these events. The work by A.M. Fraser (now Provincial Archivist) on "Newfoundland's Relations with Canada," in MacKay's, Newfoundland. Economic, Diplomatic, and Strategic Studies, were helpful for my chapters on confederation, but he gives little attention to the debates on the subject in the Newfoundland Legislature from 1865 to 1869, or to the election campaigns during the period. F.F. Thompson's thesis on the "Background to the Newfoundland Clauses of the Anglo-French Agreement of 1904" was of much assistance for my study of the French Shore, although his work deals chiefly with the later period.

I wish to acknowledge my gratitude to the Canada Council



for awarding a Pre-Master's Fellowship, without which I would have been unable to complete my work at this time. I would like, also, to thank the following people whose assistance largely contributed to making this work possible: Dr. G.O. Rothney, Professor of History, Memorial University of Newfoundland who taught me the fundamental methods of research and helped me to choose the topic; Professor W. Whiteley, Archivist Historian, and Miss Agnes O'Dea, Research Librarian at Memorial University, and the Librarians and Staff of the University and the Gosling Memorial Libraries who assisted me in conducting my research; Dr. J.K. Lindsay of the Department of History who so painstakingly supervised my writing and offered so much constructive criticism; Alice, who gave so much encouragement, offered many helpful suggestions, and was so careful in typing the thesis; and W.G. Campbell whose book, Form and Style in Thesis Writing, was an invaluable assistance both in the writing and the typing of the thesis.

E.C.M.



## Abbreviations

C.O.--Records of the Colonial Office, Public Record Office, London.

ed.--editor.

Ibid.--the same reference (used in consecutive references to the same source).

loc. cit.--the place cited (used in a nonconsecutive reference to the exact material, the same volume and page, previously cited).

No.--number.

op. cit.--in the work cited (used in a nonconsecutive reference to a source previously quoted, but referring to different page numbers).

p., pp.--page, pages.

pop.--population.

Prot.--Protestant.

R.C.--Roman Catholic.

Rev.--Reverend.

N.B. In the text and in footnotes the titles of newspapers are generally not given in full, but according to the name by which they were known at the time. The full names of all newspapers are given in the Bibliography.



## CHAPTER I

### POLITICAL AND ECONOMIC BACKGROUND

The system of responsible government, which had been introduced earlier in most of the other British colonies in North America, was extended to Newfoundland in 1855. The Liberal party, which had been agitating for responsible government for nearly a decade, gained a majority in the general election of that year. Philip Francis Little, who had assumed leadership of the party shortly after he came to the colony from Prince Edward Island in 1844, became Attorney General and Premier. In 1858, Little resigned to accept a judicial appointment and was succeeded in the premiership by John Kent, an Irishman who had immigrated to Newfoundland early in the nineteenth century and who had been prominent in the agitation for both representative and responsible government.

The period from 1855 to 1860 was a prosperous one and the Liberal Government was able to make a number of public improvements. The most important were in education and communications. It increased the education grant from £8,871 in 1855 to £15,129 in 1858<sup>1</sup>--a large amount considering that the total revenue for that year was about £140,000. The Education Act passed by the Legislature in 1858 allotted £750 for the training of teachers and provided for the

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<sup>1</sup>See Appendix F.



appointment of two inspectors to visit schools throughout the colony.<sup>1</sup> In an effort to improve the roads and bridges, the grant for constructing and maintaining them was increased from £3,800 in 1855 to over £19,000 in 1858.<sup>2</sup> The chief means of communication was still by sea and to make navigation less hazardous the number of lighthouses along the coast was increased. Between 1856 and 1859, the Legislature passed Acts to erect five lighthouses and expenditure on lighthouses increased from £1,660 to £9,303.<sup>3</sup> Late in 1860, the Liberal Government established a steam boat service between St. John's and the outports.<sup>4</sup> Two years earlier it had reached an agreement with the Atlantic Royal Mail Steam Navigation Company whereby its ships called at St. John's.<sup>5</sup> The Company had a contract with the British Government to deliver mail between Ireland and the United States. The Government showed its interest in the fishery by passing Acts for protecting both the herring and salmon fishery.<sup>6</sup> In 1855 it sent an official to Cape St. John on the north-east coast to prevent the French from fishing outside their limits.<sup>7</sup> The following year

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<sup>1</sup>Royal Gazette, June 1, 1858.      <sup>2</sup>See Appendix F.

<sup>3</sup>Blue Book, 1855, p. 32; and Ibid., 1859, p. 32.

<sup>4</sup>Journal of Assembly, 1860-61, Appendix, pp. 222-24.

<sup>5</sup>Bannerman to Lytton, No. 88, October 27, 1858, C.O. 194/153; and Merivale to Bannerman, No. 34, December 17, 1858, Despatches from Colonial Office, 1858 Volume.

<sup>6</sup>Blue Book, 1858, p. 62; and Ibid., 1860, p. 61.

<sup>7</sup>Report of Henry Knight, Journal of Assembly, 1856, Appendix, pp. 151-56.



a superintendent was appointed to protect the fishery by cruising in the Strait of Belle Isle during the fishing season.<sup>1</sup> A valuable Act was that passed by the Legislature in 1859 to incorporate the General Water Company, which was to construct a water supply system for St. John's,<sup>2</sup> a town of about thirty thousand people.

The Liberals made some changes in the personnel of the Supreme Court in an attempt to make the administration of justice in the colony more efficient. The two Assistant Judges, because of their age and infirmities, were unable to fulfill their duties.<sup>3</sup> The Chief Justice, Sir Francis Brady, although a competent judge, was incapable of doing the entire work of the court effectively.<sup>4</sup> In 1858 the Legislature passed an Act providing for the retirement of the two Assistant Judges and the appointment of two new Judges to the Supreme Court.<sup>5</sup> Little, whose health had been impaired by overwork, resigned from the Government in July to become a Judge.<sup>6</sup> The other new Judge was Bryan Robinson. Sir Alexander Bannerman, who became Governor of the colony in 1857, was confident that

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<sup>1</sup>Copy of Instructions to J.L. Prendergast, June 12, 1856; Journal of Assembly, 1857, Appendix, p. 504.

<sup>2</sup>Royal Gazette, May 10, 1859.

<sup>3</sup>Journal of Assembly, January 28, 1858.

<sup>4</sup>Bannerman to Lytton, Separate, October 1, 1858, C.O. 194/153.

<sup>5</sup>Royal Gazette, June 1, 1858.

<sup>6</sup>Bannerman to Lytton, No. 63, July 20, 1858, C.O. 194/153.



both men would be excellent Judges.<sup>1</sup>

In January, 1857, Britian and France signed a Fishery Convention. France, by former treaties, had been granted the right to catch and dry fish, during the summer season, on the western and north-eastern coast of Newfoundland between Cape Ray and Cape St. John. This comprised about half the coast of the island<sup>2</sup> and was commonly known as the French Shore. France claimed that these treaties gave her exclusive fishery rights. Britian maintained that France had only a concurrent fishery right and that British fishermen should be allowed to fish along the French Shore as long as they did not interfere with the French fishery.<sup>3</sup> By the Convention of 1857 France was guaranteed exclusive fishery rights over about half of the Shore and, in addition, was to be permitted to fish on the coast of Labrador.<sup>4</sup> News of these concessions aroused a tremendous public outburst in Newfoundland against the Convention. The Liberal Executive Council refused to support it.<sup>5</sup> As soon as the members of the Assembly were informed of the Convention, they passed a resolution expressing "their unanimous and unalterable determination never to

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<sup>1</sup>Ibid.

<sup>2</sup>Labouchere to Darling, No. 4, January 16, 1857, Despatches from Colonial Office, 1857 Volume.

<sup>3</sup>Ibid.    <sup>4</sup>Ibid.

<sup>5</sup>Darling to Labouchere, No. 8, February 7, 1857, C.O. 194/150.



give their assent to a measure so unjust."<sup>1</sup> Sir Charles Darling, Governor of the colony from 1855 to 1857, informed the Secretary of State for the Colonies that it was almost impossible to exaggerate the public excitement which the Convention had aroused, and expressed his belief that not a single person in the colony approved its provisions.<sup>2</sup> Both the Assembly and Legislative Council passed memorials against it and sent them to the Imperial Government and both Houses of the British Parliament.<sup>3</sup> The Assembly sent a despatch to the other British North American colonies urging their co-operation in trying to deter the British Government from bringing the Convention into effect.<sup>4</sup> It sent John Kent, a member of the Executive Council, and F.B.T. Carter, a member of the Conservative Opposition, to these colonies to solicit support for Newfoundland.<sup>5</sup> P.F. Little, the Premier, and Hugh W. Hoyles, the leader of the Opposition, were appointed to go to London to impress Newfoundland's views upon the Imperial authorities.<sup>6</sup> The unanimous protest of the Newfoundland Legislature achieved its purpose. Before the delegates left for England, Governor Darling received a despatch from

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<sup>1</sup>Address to Darling, enclosed in Ibid.; and Journal of Assembly, February 6, 1857.

<sup>2</sup>Darling to Labouchere, No. 11, March 3, 1857, C.O. 194/150.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.; and Journal of Assembly, March 3, 1857.

<sup>5</sup>Journal of Assembly, March 4, 1857.

<sup>6</sup>Ibid., March 16, 1857.



Henry Labouchere, Secretary of State for the Colonies, stating that since Newfoundland had unequivocally rejected the Convention it would not come into effect.<sup>1</sup> He also gave assurance that "the consent of the Community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."<sup>2</sup> The colony considered the withdrawal of the Convention a recognition by the British Government of the principle of local autonomy. Labouchere's promise came to be "regarded as the Colonial Magna Charta"<sup>3</sup> and a guarantee that its rights would not be sacrificed to a foreign power.

Serious economic and financial problems confronted the colony at the beginning of the 1860's. The economy was still based almost exclusively on a single industry, the fishery. The cod fishery, the mainstay of the island from the time it had been permanently settled, was by far the most valuable branch of the industry. The average annual value of dried cod exported from Newfoundland during the period from 1851 to 1858 was £723,980.<sup>4</sup> In 1857, an unusually successful year, the value of cod exported amounted to over £1,000,000.<sup>5</sup> The seal fishery was next in importance, and during the latter part of

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<sup>1</sup>Minutes of Executive Council, 1855-61, April 18, 1857.

<sup>2</sup>Labouchere to Darling, No. 10, March 26, 1857, Despatches from Colonial Office, 1857 Volume.

<sup>3</sup>Journal of Assembly, March 6, 1861.

<sup>4</sup>Bannerman to Newcastle, No. 73, September 26, 1859, C.O. 194/156.

<sup>5</sup>See Appendix G.



the 1850's had an annual value of about £200,000. In 1857, a peak year, approximately four hundred sealing vessels, employing about thirteen thousand seamen, engaged in the seal hunt.<sup>1</sup> That year the value of seal oil and skins exported was over £350,000. The herring and salmon fisheries were important also, although much less valuable than the seal fishery.<sup>2</sup> During the first five years of the Liberal administration the various branches of the fishery were successful although their value varied from year to year. But, as Governor Bannerman warned the Legislature at the opening of the 1858 session, the fishery was precarious and a series of prosperous years could not be expected to continue.<sup>3</sup> Its success depended upon the size of the catch and the price of fish and fish products in foreign markets--factors over which the Newfoundland Government had no control. A late spring, a scarcity of bait, or a stormy summer could result in a low catch of cod fish. An unusually cold spring, or a long period of easterly wind blowing the Labrador drift ice upon the north-east coast of Newfoundland could cause a poor seal fishery. The price received for Newfoundland's produce in foreign markets was influenced by competition from other countries and world economic conditions. The economy of the island, founded upon

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<sup>1</sup>L.G. Chafe, Report of the Newfoundland Seal Fishery from 1863 (the first year of Steamers) to 1905, (second edition; St. John's: The Evening Telegram Job-Print, 1905), p. 6.

<sup>2</sup>See Appendix G.

<sup>3</sup>Bannerman to Lytton, Separate, October 1, 1858, C.O. 194/153.



such a precarious industry, could not be stable for long.

The failure of the fishery always caused widespread poverty among large numbers of fishermen and usually resulted in a Government deficit. Even in a successful year the fishermen often made only enough money to supply their immediate needs. This was largely because of the credit, or truck system. Governor Bannerman described it as "a most vicious system which has long prevailed in Newfoundland."<sup>1</sup> The fisherman would go to the merchant at the beginning of the fishing season and obtain from him, on credit, fishing equipment and food to keep his family until autumn.<sup>2</sup> At the end of the season, the fisherman returned to the merchant with his catch of fish. If the fishery were successful he might be able to pay his debt to the merchant and also receive a cash surplus. Frequently this surplus was not large enough to enable the fisherman to provide for his family until the completion of the following year's fishery and he would again have to rely on credit from the merchant for supplies. If the fishery failed, the fisherman, being unable to pay for the supplies he had received in the spring, would remain in debt to the merchant. A succession of unsuccessful fisheries would increase that debt. Some fishermen remained perpetually in debt. It was not surprising that in these circumstances, as Bannerman

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<sup>1</sup>Bannerman to Newcastle, No. 26, May 18, 1863, C.O. 194/170.

<sup>2</sup>See Newfoundland Royal Commission, 1933, Report (London: His Majesty's Stationery Office, 1933), pp. 79-81 for a fuller description of the credit system.



informed Newcastle, the Secretary of State for the Colonies, the fishermen get "disheartened, become indifferent and indolent."<sup>1</sup>

The system was open to abuse by both the merchants and the fishermen. The merchant fixed the price of the fish and also the price of the provisions. To compensate for the risk involved in giving credit to the fishermen, he charged excessive prices for provisions.<sup>2</sup> R.B. McCrea, an officer stationed at the St. John's garrison in the early 1860's, stated that the merchant "while he sells a barrel of flour to the cash customer for 30s., he books it to the fisherman (who may not pay him) for £3, 10s."<sup>3</sup> The fisherman, realizing he was being charged extremely high prices, sometimes tried to evade paying the merchant by selling his fish to someone else. Captain Hamilton, senior officer of the Royal Navy on the Newfoundland station for several seasons, claimed that many fishermen on the south coast sold their fish to American and Nova Scotian traders visiting the area instead of to the merchants who had given them their supplies.<sup>4</sup> It is not surprising that the system frequently produced antagonism and

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<sup>1</sup>Bannerman to Newcastle, No. 26, May 18, 1863, C.O. 194/170.

<sup>2</sup>Ibid.

<sup>3</sup>R.B. McCrea, Lost Amid the Fogs (London: Sampson Low, Son and Marston, 1869), p. 95.

<sup>4</sup>Hamilton to Bannerman, June 30, 1862, enclosed in Bannerman to Newcastle, No. 62, November 6, 1862, C.O. 194/168.



a class division between the merchants and fishermen.

The Liberals did little to develop other industries as an auxiliary to the fishery, although they may have realized the weakness of the colony's economy. They gave some encouragement to agriculture. In 1856 they spent £1439 to buy seed potatoes to be distributed among the able-bodied poor. The Government, from 1856 onward, made an annual grant of £250 to the St. John's Agricultural Society,<sup>1</sup> an organization which had been formed in 1841 to promote farming and stock raising in the colony. An Act was passed in 1860 to protect sheep and cattle from being slaughtered by dogs.<sup>2</sup> The value of agriculture was increasing. The number of acres cultivated in the colony increased from 29,654 in 1845 to over 42,000 in 1857.<sup>3</sup> In 1845, there were about five thousand sheep and eight thousand cattle in the colony and by 1857 these numbers had more than doubled.<sup>4</sup> There was, however, a decline in the number of bushels of potatoes grown, from 341,000 in 1845 to about 228,000 bushels in 1857.<sup>5</sup> Agricultural produce was still of little value compared with the fisheries. Governor Darling, writing to Labouchere, the Secretary of State for the Colonies, in 1856, informed him that vast progress had been made since the first efforts to promote agriculture had been started under Governor Cochrane, but admitted that it seemed "impossible

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<sup>1</sup>Journal of Assembly, 1856, Appendix, p. 5.

<sup>2</sup>Blue Book, 1860, p. 61.

<sup>3</sup>Ibid., 1845, p. 174; and Ibid., 1857, p. 226.

<sup>4</sup>Ibid.    <sup>5</sup>Ibid.



to anticipate a time when the Agriculture of Newfoundland can be otherwise than subordinate to its fisheries."<sup>1</sup> Newfoundland still had to import most of its agricultural supplies.

A small lumber industry had developed. There were twelve sawmills in the colony in 1857<sup>2</sup> and these were able to supply some of the local needs. Lumber was required especially for boatbuilding. In 1857 fifty-six vessels and six hundred and thirty small fishing boats were built in Newfoundland.<sup>3</sup> The mineral resources of the colony had never been explored and remained undeveloped apart from a small lead mine which was opened in 1858 at La Manche in Placentia Bay.<sup>4</sup> This lead mine seemed to stimulate interest in mining and the Government received more requests for mining grants.

Governor Bannerman believed that the failure of capitalists to invest money in agriculture and mining was one of the principal reasons why these industries remained undeveloped.<sup>5</sup> This was partially because almost all the merchants who carried on an extensive business in the colony considered Britain to be their home<sup>6</sup> and returned there with

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<sup>1</sup>Darling to Labouchere, No. 76, August 31, 1856, Letter Books of Despatches to the Colonial Office, 1854-56.

<sup>2</sup>Blue Book, 1857, p. 232.

<sup>3</sup>Newfoundland Census, 1857.

<sup>4</sup>Blue Book, 1858, pp. 228-29.

<sup>5</sup>Bannerman to Newcastle, No. 26, May 18, 1863, C.O. 194/170.

<sup>6</sup>Bannerman to Newcastle, Confidential, December 17, 1859, C.O. 194/156.



their savings after a number of years in Newfoundland. McCrea stated that the merchants had "for years and years . . . drawn away their wealth and influence from the place . . . doing little or nothing for the public good, and separating themselves as from a contaminated community as soon as possible."<sup>1</sup> This situation had not changed much even by 1870. In that year, the Assembly in an address to the Secretary of State for the Colonies wrote:

There are few commercial men carrying on business of any magnitude who permanently reside in Newfoundland, and not many other than they who possess the necessary means to improve the country. It has been the misfortune of this Colony that those who make money in it retired when advanced in years to Great Britain to increase the wealth of that Country and to the impoverishment of this; they were succeeded by their junior partners, who did likewise, and the same course is still pursued hence the reason why no accumulated capital exists in this country to ameliorate its condition, by contributing to the annual revenue and fostering sources of industry other than those of the fisheries.<sup>2</sup>

The public debt of the colony increased during the period of the Liberal administration, although these were years of prosperity. In 1854 the debt of the colony was about £113,000.<sup>3</sup> In 1855 the Little Government was obliged to raise a loan of £45,000, which brought the total debt to over £150,000.<sup>4</sup> By 1857 the debt had increased to more than £176,000. The size of the debt and the danger to the colony

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<sup>1</sup>McCrea, op. cit., p. 215.

<sup>2</sup>Enclosed in Hill to Granville, No. 25, April 13, 1870, C.O. 194/179.

<sup>3</sup>Blue Book, 1854, p. 44.

<sup>4</sup>Darling to Labouchere, No. 76, August 31, 1856, loc. cit.



of relying upon the prosperity of a single, uncertain industry were emphasized by Governor Bannerman. In his speech opening the Legislative session of 1858 he warned that the present prosperity could not be expected to continue and that "therefore the Revenue should be appropriated with due economy, and a regard to the probable future income of the colony and its existing debt."<sup>1</sup> He repeated his warnings at the opening of the Legislature in 1859 and again in January, 1860. The failure of the Assembly to follow his advice induced the Governor to stress the need for economy even more vigorously in the speech opening the Legislature in December, 1860. He reminded the Assembly that he had frequently urged "that the sums which they may consider proper to vote ought to be limited by the means placed at their disposal" and concluded, "you, gentlemen, may feel more inclined to listen to the suggestion, when I inform you of a circumstance which, I dare say, you are well aware of--that the debt of the colony has been of late years increasing, and that it now amounts to £182,500."<sup>2</sup>

The Government raised its revenue almost exclusively by customs duties imposed on goods imported into the colony.<sup>3</sup> The great bulk of these imports were consumed by the fishermen

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<sup>1</sup>Journal of Assembly, January 28, 1858; and Bannerman to Lytton, Separate, October 1, 1858, C.O. 194/153.

<sup>2</sup>Journal of Assembly, December 3, 1860.

<sup>3</sup>Bannerman to Newcastle, Confidential, August 16, 1859, C.O. 194/156.



and so the burden of taxation fell heaviest on them.<sup>1</sup> Since no direct taxation of any kind was imposed,<sup>2</sup> the merchants and wealthier groups in the colony contributed little to the revenue of the Government. A poor fishery would prevent the fishermen from buying their usual amount of goods and the revenue of the Government would decline immediately. Little's administration, almost immediately after it took office, had passed an Act by which the provisions of the Reciprocity Treaty, signed between the British and United States Government in June, 1854, were extended to Newfoundland.<sup>3</sup> This permitted certain articles, grown or manufactured in the United States or the British North American colonies, to enter Newfoundland duty free. The Government, in anticipation of a fall in revenue, raised the rate of duties on goods still subject to taxation.<sup>4</sup> These included many foodstuffs and fishing equipment. Thus there was little reduction in the amount of taxes which the people had to pay.

Governor Darling believed that the revenue system should be reformed<sup>5</sup> and his successor, Governor Bannerman, considered it to be completely unsatisfactory.<sup>6</sup> Both regretted that there was no municipal government in the colony. This meant that the Government had to distribute funds for all improvements

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Darling to Labouchere, No. 76, August 31, 1856,  
loc. cit.

<sup>4</sup>Ibid.      <sup>5</sup>Ibid.

<sup>6</sup>Bannerman to Newcastle, Confidential, August 16, 1859,  
C.O. 194/156.



including those made in the larger communities and the capital of St. John's. Darling, writing to the Secretary of State for the Colonies, expressed his belief that "common justice to the inhabitants at large requires . . . the transfer to the really wealthy city of St. John's of the expenditure on account of its police, streets and local objects generally, with the maintenance of such poor as properly belong to its community."<sup>1</sup> Governor Bannerman, in a confidential despatch to the Secretary of State for the Colonies in 1859, not only expressed regret that the Government had to provide for all municipal expenses but complained that it kept little check over expenditure. He was convinced that the whole revenue system "as it at present exists is one which imperatively calls for revision and correction."<sup>2</sup>

Bannerman believed that the Board of Works was responsible for some of this extravagant spending of Government revenue.<sup>3</sup> The Board, which had been established by an Act of the Legislature in 1855, was responsible for the management and control of all public buildings, prisons, hospitals, houses for the poor, roads, bridges, and lighthouses.<sup>4</sup> Although a member of the Executive Council was chairman of the Board,<sup>5</sup>

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<sup>1</sup>Darling to Labouchere, No. 76, August 31, 1856, loc. cit. 92

<sup>2</sup>Bannerman to Newcastle, Confidential, August 16, 1859, C.O. 194/156.

<sup>3</sup>Bannerman to Newcastle, No. 8, January 29, 1861, C.O. 194/165.

<sup>4</sup>Ibid. <sup>5</sup>Blue Book, 1856, p. 72.



Bannerman considered that it was under the control of irresponsible individuals. He believed that its duties were too extensive and twice attempted to get the Legislature "to repeal the greater part of the Act and to remedy the evils it has given rise to, of neglect, mismanagement and extravagant expenditure."<sup>1</sup> The Legislature, however, refused to modify the Act.<sup>2</sup>

One of the largest items of Government expenditure in the years from 1855 to 1860 was for relief to both the permanent and able-bodied poor of the colony. In 1854 more than £17,500 was spent on poor relief out of a total revenue of only about £81,000.<sup>3</sup> The rapid growth in relief payments was one of the most difficult problems confronting Little's administration when it took office in 1855. Darling, in his speech opening the first Legislative session following the inauguration of responsible government, referred to this pauperism as "an evil of appalling magnitude, an unnatural element in any Colonial community and lying as a canker at the very root of political and social prosperity."<sup>4</sup>

The Government had been distributing funds to aid the poor for many years prior to 1855. In 1836, only four years after the establishment of representative government in the

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<sup>1</sup>Bannerman to Newcastle, No. 8, January 29, 1861, C.O. 194/165.

<sup>2</sup>Ibid.      <sup>3</sup>Blue Book, 1854, pp. 30-32.

<sup>4</sup>Journal of Assembly, May 22, 1855.



colony, £662 was spent on poor relief.<sup>1</sup> Expense on this account did not become large until 1846 when, as a result of an unsuccessful fishery, a poor potato crop and a fire that destroyed most of St. John's, many people were forced to seek Government assistance to survive.<sup>2</sup> In that year over £7,000 was spent on relief. Gratuitous relief, as Governor Darling informed the Secretary of State for the Colonies, "once imparted produced its inevitable consequence--a desire again to participate in so easy a mode of mitigating the pressure of want."<sup>3</sup> In 1855 relief spending had become such a permanent feature of the administrative system that some of the leading members of the Assembly contended that these funds should be distributed to each district in proportion to its population regardless of the poverty of the people.<sup>4</sup>

During the 1855 Legislative session a select committee of the Assembly was appointed to study the problem of poor relief. The committee took evidence from a large number of people, but in Darling's opinion, John Kent, a member of the Executive Council, was the only one who took a broad view of the problem of pauperism.<sup>5</sup> Kent believed that it was caused by the fishermen attempting to live for a whole year on the money they earned during the three or four months they were engaged in the fishery. He claimed that the credit system,

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<sup>1</sup>Blue Book, 1836, p. 25.

<sup>2</sup>Darling to Labouchere, No. 76, August 31, 1856,  
loc. cit.

<sup>3</sup>Ibid.      <sup>4</sup>Ibid.      <sup>5</sup>Ibid.



whereby the fisherman relied on the merchant to supply goods to keep his family alive, had led many people to direct their attention solely to the fishery. A succession of unsuccessful fisheries would lead many merchants to refuse credit, and, as Kent indicated, the people would then have no alternative but to rely on public funds for subsistence. The committee in its report to the Assembly recommended that relief should be given in money rather than food and that, where possible, the recipient should be compelled to work on some government project.<sup>1</sup> Governor Darling in his speech closing the Legislature expressed the hope that, in a future session, the Assembly would "deal with this vital question upon sound and comprehensive principles."<sup>2</sup> The committee's report did not lead to any reduction in relief spending for in 1855 the Government distributed £17,786 in aid of the poor.<sup>3</sup>

The problem of poor relief was again discussed by the Assembly in 1856. A committee comprised of ten members of the Assembly, both Conservatives and Liberals, was appointed to study the condition of the poor.<sup>4</sup> It reported that the creation of additional employment would be the best way to reduce Government expenditure for relief. The committee recommended that the Government encourage the shipbuilding industry as a

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<sup>1</sup>Ibid.; and Journal of Assembly, August 4, 1855.

<sup>2</sup>Journal of Assembly, August 4, 1855.

<sup>3</sup>See Appendix F.

<sup>4</sup>Journal of Assembly, March 13, 1856.



source of employment for the able-bodied poor.<sup>1</sup> In regions unsuited for shipbuilding, it suggested that a lumber industry might be developed. It recommended that industrial schools should be established in each district of the colony to employ people unable to do heavy work. The committee suggested that these people might make and repair fishing nets, and manufacture such articles as brooms, hoops, and shingles. The Legislature did not implement these recommendations. Governor Darling in his address at the close of the session expressed his regret that the evil of pauperism, although not increasing, "is yet but little subdued." Its extinction, he declared, "is an object which claims the co-operation of all to whom the welfare of the community is dear."<sup>2</sup> Despite the urgency of this problem it was not discussed during the next four sessions of the Legislature. Expenditure for relief remained high. In 1857, the most prosperous year of the period, the cost of poor relief was £8,385.<sup>3</sup> It increased in the following years and in 1860 amounted to more than £14,000. The Liberals had failed to solve one of the most serious problems confronting the colony.

The sectarian antagonism, which had become a prominent feature of Newfoundland politics following the establishment

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<sup>1</sup>Ibid., April 21, 1856.

<sup>2</sup>Ibid., May 12, 1856.

<sup>3</sup>See Appendix F.



of representative government in 1832,<sup>1</sup> was still strong in 1860. The Irish Roman Catholics formed a majority of the population of the colony in the early part of the nineteenth century, but were excluded from important official positions. They had been the main force in the movement for representative government. William Carson had led the movement. Although a Protestant, he was a close friend of Bishop Fleming, head of the Roman Catholic church in the colony, and had identified himself with the Roman Catholics.<sup>2</sup> Opposed to them was the group which included the officials of the colony and the merchants. They were almost all members of the Church of England, and monopolized the government positions in the colony. They were generally referred to as the Protestant party and only occasionally as the Conservative or Tory party. The reform group was sometimes called the Liberal party; at other times, the Catholic party.<sup>3</sup>

Sectarianism was even more prominent in the campaign for responsible government in the 1850's. The Roman Catholics, although they managed to gain a majority in the Assembly, continued to be largely excluded from official positions. The Executive Council, which was nominated by the Governor

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<sup>1</sup>Charles Pedley, History of Newfoundland from the Earliest Time to the Year 1860 (London: Longman, Green, Longman, Roberts and Green, 1863), pp. 379-80.

<sup>2</sup>Leslie Harris, "The First Nine Years of Representative Government in Newfoundland" (unpublished Master's thesis, Memorial University of Newfoundland, St. John's, 1958), pp. 45 and 80.

<sup>3</sup>Pedley, op. cit., p. 382.



and had a total of ten members, included only one Roman Catholic.<sup>1</sup> The Liberals claimed that the Roman Catholics received only one-fifth of Government patronage.<sup>2</sup> The proportion of Roman Catholics to the rest of the population had fallen by the early 1850's, but was, nevertheless, almost half of the population. The Roman Catholics predominated in the movement for responsible government. Philip Francis Little, a young Roman Catholic lawyer who had been elected to the Assembly in 1850, led the movement and the Right Reverend John Mullock, the Roman Catholic Bishop of the island, gave it his full support. The opponents of responsible government were Protestants and included the merchants. They were led by Hugh W. Hoyles, a member of the Church of England and a prominent St. John's lawyer who had been elected to the Assembly in 1848. The members of the Legislative Council, who composed also the Executive Council, and the Protestant minority in the Assembly opposed responsible government. Hoyles and his group declared that they opposed responsible government "from the conviction that the introduction of that system without a sub-division of the more populous Districts and an increase of Representatives, fairly apportioned among all classes, would be highly dangerous to our Civil and Religious liberties, as under the present unfair scale of representation the Roman Catholic minority of the population have a majority in the Assembly, and the practical operation

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<sup>1</sup>Journal of Assembly, October 11, 1854.

<sup>2</sup>Ibid.



of Responsible Government would be, to vest in the Roman Catholic Clergy by whose influence such majority are elected, the whole Legislative and Executive powers of the Local Government."<sup>1</sup>

P.F. Little and George Emerson were sent to London in 1854 as delegates of the Assembly to press the claims of the colony for responsible government. In their report to the House of Assembly on their return, they claimed that the Roman Catholics did not desire undue ascendancy and stressed that since they formed a minority of the population, they would not be able to form a Government "on so pernicious and objectionable a principle."<sup>2</sup> They condemned the Legislative Council for not giving Roman Catholics a proportionate share in offices and patronage.<sup>3</sup> The delegates maintained that the Legislative Council had raised the sectarian cry to conceal their real object which, they charged, was to extend their mercantile control over the electors and to continue in this way to rule the country. Little and Emerson urged that all denominations should be "entitled to participate in power and patronage, and that it should be divided among them as fairly and equally as might be practicable and consistent with public service."<sup>4</sup> They declared that the Assembly,

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<sup>1</sup>Printed Circular, signed by Hoyles and twenty-eight other Protestants, March 6, 1854, Miscellaneous Papers and Despatches of the Governor's Office, 1854 Volume.

<sup>2</sup>Journal of Assembly, October 11, 1854.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.



although it had a majority of Roman Catholics, did not desire, and would not sanction, undue ascendancy by any party.

The opponents of responsible government did not gain the united support of the Protestants, some of whom favored it. Two Protestant members of the Assembly, R.J. Parsons and George Emerson, were among the members who voted to send the delegation to England.<sup>1</sup> P.F. Little attempted to induce Hoyles to co-operate with him in agitating for responsible government, but was unsuccessful.<sup>2</sup> Little's Liberal party gained a majority of six in the thirty member Assembly in the 1855 election. Among its members were three Protestants.<sup>3</sup> Little included two Protestants in his Executive Council; one from the Assembly and the other from the Legislative Council. The opposing party, under the leadership of Hoyles, was exclusively Protestant. John Kent, when he took over the Premiership from Little in 1858, increased the membership in the Executive Council from six to seven, but included two Protestant members of the Assembly. The Liberals retained eighteen seats in the 1859 general election, but the party remained predominantly Roman Catholic. Fourteen Roman Catholics were elected compared with four Protestants.<sup>4</sup> Two of these Protestant Liberals, Thomas Glen and R.J. Parsons, represented districts which were overwhelmingly Roman Catholic. Harbour Grace and Burin returned

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<sup>1</sup>Ibid., June 15, 1853.

<sup>2</sup>D.W. Prowse, History of Newfoundland (London: Macmillan and Company, 1895), p. 484.

<sup>3</sup>See Appendix A. <sup>4</sup>Ibid.



one Protestant and one Roman Catholic Liberal. Both districts, although predominantly Protestant, had large Roman Catholic minorities. Carbonear, whose population was almost equally divided, elected a Roman Catholic Liberal. The six districts in which the large majority of the people were Protestant all elected Conservatives as in 1855. The Conservative Opposition remained exclusively Protestant.

The general election of 1859 had aroused strong political and sectarian emotion, although contests were held in only four of the colony's fifteen electoral districts. In Burin the two Liberal candidates, Ambrose Shea, a Roman Catholic, and James J. Rogerson, a Protestant, were opposed by two Protestant Conservatives, Hugh Hoyles and Edward Evans.<sup>1</sup> The Liberal candidates were elected by a small majority. Hoyles and Evans sent a petition to the Assembly in February, 1860.<sup>2</sup> Their petition claimed that the Liberal supporters had used bribery and other corrupt practices, including violence and intimidation. It maintained that the returning officer at Flat Islands, Robert Reader, had canvassed for the Liberals and that he and officials in other communities had included in the returns names of people who had not voted, or were not legally entitled to vote.<sup>3</sup> A Conservative newspaper, the Newfoundland Express, condemned the Wesleyans who had not

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<sup>1</sup>Prowse, op. cit., p. 485.

<sup>2</sup>Journal of Assembly, February 13, 1860.

<sup>3</sup>Ibid.



voted for Hoyles and Evans as unfaithful to their religion.<sup>1</sup>  
 The Assembly appointed a select committee to inquire into the election but it failed to submit a report on the legality of the returns.<sup>2</sup> Shea and Rogerson continued to sit in the Assembly as the representatives of the district. The Conservative press continued to declare that extensive bribery had been practised and that fictitious votes had been accepted for the Liberals.<sup>3</sup>

Riots broke out in Harbour Grace, a district where election disturbances had occurred during the period of representative government. The two former Liberal representatives of the district, John Hayward, a Protestant, and James Prendergast, a Roman Catholic, were nominated and also Robert Walsh, a Roman Catholic with no declared party allegiance. Violence erupted on November 7th, the first day of the election.<sup>4</sup> A mob, after entering the polling booths and carrying off two poll books, began to break windows in Walsh's house and in property belonging to other people. Since the police were unable to stop the violence, the returning officer adjourned polling until the following day.<sup>5</sup> Walsh believed that his life was in danger and next day resigned. The

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<sup>1</sup>Newfoundland Express, January 19, 1860.

<sup>2</sup>Journal of Assembly, March 21, and May 7, 1860.

<sup>3</sup>Newfoundland Express, September 25, 1860.

<sup>4</sup>R.J. Pinsent, returning officer, to Acting Colonial Secretary, November 11, 1859, Miscellaneous Papers and Despatches of the Governor's Office, 1859 Volume.

<sup>5</sup>Ibid.



returning officer closed the election and on November 10th declared Hayward and Prendergast elected, although when polling closed Walsh had sixty-three votes more than Prendergast.<sup>1</sup>

John Munn and other residents of Harbour Grace sent a petition to the Assembly shortly after it opened, protesting against the return of Prendergast. Their petition claimed that during the election "there was an organized system of menace, violence and outrage acted upon by the partizans and supporters of . . . James L. Prendergast, for the purpose of intimidating the electors . . . and at least one hundred persons who would be willing and anxious to give their votes in favor of . . . Robert Walsh, were, by such menace, violence and outrage, prevented from doing so."<sup>2</sup> The petition requested that the election of Prendergast be declared null and void and that Robert Walsh be permitted to sit as representative of the district. The Assembly appointed a committee composed of three members of each party to consider the petition. The committee, after taking evidence from a number of persons connected with the election, concluded that Prendergast had not been legally elected and that his return should be declared null and void.<sup>3</sup> The Assembly accepted the report of the committee without taking a vote on it.<sup>4</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>Journal of Assembly, February 13, 1860.

<sup>3</sup>Ibid., April 19, 1860.

<sup>4</sup>Ibid., April 25, 1860.



The evidence taken by the committee indicated that Prendergast, in his speech on nomination day, had used language designed to arouse emotions. John Fennell, a deputy returning officer, claimed that Prendergast had denounced Walsh as the merchants' candidate and stated that "he would lose the last drop of his blood before he would allow himself to be put down" by them.<sup>1</sup> (Fennell also stated that the Roman Catholic clergy on the Sunday before the election had urged the people to support Prendergast.) He reported that the mob supporting Prendergast had been largely composed of men from River-head, a section of Harbour Grace which was almost exclusively Roman Catholic. Even before the committee had taken the evidence, Governor Bannerman had informed the Secretary of State for the Colonies that he believed the riots were caused by "the Catholic Priesthood assuming the power to prevent anyone but their own nominee to come forward as a candidate at any election."<sup>2</sup> The Patriot, a Liberal newspaper edited by R.J. Parsons, admitted that the Catholic clergy sometimes used their influence in support of the Liberals.<sup>3</sup> It claimed that the Roman Catholic Bishop and clergy did so to protect their people, the majority of whom were still illiterate, from the oppression of the merchants to which they had been subjected in the past. The Patriot maintained that the merchants still exercised an oppressive influence

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<sup>1</sup>Ibid., 1860, Appendix, pp. 571-72.

<sup>2</sup>Bannerman to Newcastle, Confidential, January 16, 1860, C.O. 194/161.

<sup>3</sup>Patriot, November 10, 1859.



over some Protestant districts. As an example, it mentioned the election of James Seaton, editor of one of the St. John's newspapers, as a representative of Burgeo and La Poile, a district he had never visited until "sent for by his Mercantile Nominee."<sup>1</sup>

An election was held in Harbour Grace in November, 1860, to fill the vacancy resulting from the disqualification of Prendergast. Prendergast again ran for election and was opposed by Thomas Higgins. The returning officer and the two magistrates of Harbour Grace, fearing election riots, requested the Governor to send a military force of one hundred men to the district.<sup>2</sup> The Governor-in-Council decided to grant the request. On nomination day, before the troops had left St. John's for Harbour Grace, Governor Bannerman received a telegram from the returning officer stating that Higgins had resigned and that there was no need for military protection.<sup>3</sup> Prendergast was declared elected. John Munn and sixty other electors of Harbour Grace, claiming that the supporters of Prendergast had used mob violence to force Higgins to resign, sent a petition to the Assembly requesting it to declare that Prendergast had not been legally elected.<sup>4</sup> The select committee of the Assembly appointed to consider the petition had made

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<sup>1</sup>Ibid.

<sup>2</sup>Minutes of Executive Council, 1855-61, October 30, 1860.

<sup>3</sup>Ibid., November 6, 1860.

<sup>4</sup>Journal of Assembly, December 14, 1860.



no report when the session ended.<sup>1</sup>

These election disturbances increased sectarian and political antagonism. The Newfoundland Express declared that Prendergast had not been elected by the district as a whole, but by a few "rowdies of the river-head of Harbour Grace."<sup>2</sup> Another Conservative newspaper, the Public Ledger, claimed that Prendergast was the leader of the Harbour Grace gang, and blamed him for all the disturbances there.<sup>3</sup> It alleged also that an assault made on a Protestant citizen of Harbour Grace shortly after the election was caused by the "low, savage Roman Catholic blackguard, who thus assumes the championship of their faith upon the Protestants of the town."<sup>4</sup> Edward Feild, Bishop of the Church of England in Newfoundland, in a public letter written early in 1861 expressed dismay over the election riots and the general lawlessness which, he believed, was increasing in the colony.<sup>5</sup> He held the Liberal Government responsible for some of these disturbances. The fear that the Roman Catholic clergy were using their influence to keep the Liberals in power would disturb many Protestant Conservatives. It was to the advantage of the Conservatives, however, to persuade people to vote according

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<sup>1</sup>Bannerman to Ridley, April 28, 1861, Minutes of Executive Council, 1855-61, April 30, 1861.

<sup>2</sup>Newfoundland Express, November 3, 1860.

<sup>3</sup>Public Ledger, January 18, 1861.

<sup>4</sup>Ibid., January 4, 1861.

<sup>5</sup>Feild to Editor of Telegraph, February 9, 1861, The Telegraph, February 13, 1861.



to their religion. If the sole distinction between parties were religion and all Protestants voted for them, the Conservatives would be certain of winning each general election.

None of the public improvements which the Liberal administration had promoted in the colony extended to the coast of Labrador. This coast, from Anse Sablon in the south to Cape Chidley in the north, had been placed under the jurisdiction of Newfoundland in 1825, but the Government had done little to establish control over the area. In the summer of 1840 it had established a law court in Labrador and had tried to collect revenue on goods imported there.<sup>1</sup> The high cost of the court and the protests of the merchants in Labrador from the United Kingdom against paying duties led the Assembly to discontinue the attempt to impose its authority over Labrador.<sup>2</sup> Newfoundland continued to have only nominal control over the coast. There was no means of enforcing the law, no schools, and not even a resident clergyman until 1849. In that year Bishop Feild stationed a deacon at Forteau and in 1853 he stationed another at Battle Harbour.<sup>3</sup>

The permanent English population on the southern part of Labrador had increased to about fifteen hundred by the late 1850's.<sup>4</sup> The coast was the center of an extensive cod fishery

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<sup>1</sup>Bannerman to Newcastle, No. 28, June 1, 1863, and enclosures, C.O. 194/170.

<sup>2</sup>Ibid.

<sup>3</sup>H.W. Tucker, Memoir of the Life and Episcopate of Edward Feild, D.D., Bishop of Newfoundland 1844-76 (London: W. Wells Gardner, 1877), pp. 84-115.

<sup>4</sup>Journal of Assembly, 1857, Appendix, pp. 511-12.



in which large numbers of fishermen from Newfoundland, the other British North American colonies, the United Kingdom, and the United States participated each summer. British firms, with their head offices in England or Jersey, carried on an extensive business in Labrador during the fishing season. Other traders came from the United States and the mainland provinces of British North America. None of these paid duty to the Newfoundland Government on the fishing equipment, clothing, spirits, and other goods which they sold or bartered to the fishermen. Newfoundland merchants who engaged in the Labrador trade had to pay Newfoundland import duties and were at a disadvantage when competing with their rivals.<sup>1</sup> Partly because of this, Governor Darling in 1856 informed the Secretary of State for the Colonies that he believed Newfoundland should "compel the Lucrative Import Trade carried on on the Coast of Labrador to contribute in its fair proportion to the Colonial Revenue."<sup>2</sup> But the most "palpable injustice" was, in Darling's opinion, "that many thousands of these who maintain the Trade are inhabitants of Newfoundland, who migrate to the Labrador during the Fishing Season, returning on the approach of Winter to avail themselves of the Institutions supported by the Colonial Revenue, and too frequently to swell the List of Paupers."<sup>3</sup>

Little's Government, probably influenced by Darling,

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<sup>1</sup>Darling to Labouchere, No. 76, August 31, 1856, loc. cit.

<sup>2</sup>Ibid.      <sup>3</sup>Ibid.



in 1856 "resolved that a vessel be despatched to Labrador and to the west coast of this Island to guard fisheries at Belle Isle and to enable the Government to enforce the collection of Revenue."<sup>1</sup> James L. Prendergast, who was appointed to protect the fisheries and collect revenue, visited most of the larger settlements in Labrador, informing the merchants and traders that the Newfoundland Government had instructed him to collect customs duties on the goods they imported.<sup>2</sup> All the permanent business establishments and the transient traders with whom he came in contact refused to pay duties.<sup>3</sup> The Government sent an officer to the same area in 1857, but it did not instruct him to collect revenue.<sup>4</sup> The agents of one of the firms in Labrador had refused payment to Prendergast because the settlers were not represented in the Assembly and because they enjoyed none of the benefits of government. Governor Bannerman in 1858 informed the Secretary of State for the Colonies that on the "part of the Coast of Labrador, which is frequented by the Newfoundland fishermen and of which they are so jealous, there is no provision for the administration of justice, the settlers of the coast are unprotected, general lawlessness frequently prevails and

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<sup>1</sup>Minutes of Executive Council, 1855-61, June 7, 1856.

<sup>2</sup>Prendergast to Kent, September 1, 1856, Journal of Assembly, 1857, Appendix, pp. 515-19.

<sup>3</sup>Ibid.

<sup>4</sup>Kent to Kelly, May 18, 1857, Letter Books of the Colonial Secretary's Office, 1857-58.



crimes go unnoticed and unpunished."<sup>1</sup> He believed the Government should appoint a number of permanent magistrates on the coast to administer justice and collect revenue. The Liberals made no attempt to consolidate control over Labrador, although the need was increasing. Captain Hamilton of the Royal Navy, who visited the coast in 1861, reported that the settlers, except for the two clergymen "and the Stipendary Magistrate of the Colony, who is principally employed trying to keep off French trespassers, . . . or the occasional visit of a Man of War (not once in ten years to the northward of Cape St. Francis) . . . are without either law or medicinal advice."<sup>2</sup>

Disputes over French fishery and territorial rights in Newfoundland were renewed following the withdrawal of the Fishery Convention of 1857. Governor Bannerman in his speech opening the Legislature in 1858 warned that two powerful nations, France and the United States, as a result of former treaties, still possessed extensive fishery rights on part of the Newfoundland coast.<sup>3</sup> The commander of the French ships in Newfoundland later that year claimed that their fishermen had the right to an exclusive fishery in St. George's Bay,<sup>4</sup> an area which had not been fished by the French in recent

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<sup>1</sup>Bannerman to Stanley, Private and Confidential, April 13, 1858, C.O. 194/152.

<sup>2</sup>Captain Hamilton to Vice Admiral Milne, October 9, 1861, C.O. 194/167, p. 84.

<sup>3</sup>Journal of Assembly, January 28, 1858.

<sup>4</sup>Bannerman to Assembly, February 4, 1861, Ibid., February 5, 1861.



years and which at that time had an English population of over six hundred settlers. Shortly afterward, the British Government was notified that at the beginning of the 1859 fishing season "French cruisers would vigorously enforce against British subjects, the rights secured to France by existing Treaties, and specifically as regards the exclusive right of fishery as claimed by France."<sup>1</sup> Late in December, 1858, the British Government informed the French authorities that it would strictly compel their subjects to follow the terms of existing treaties during the 1859 season.<sup>2</sup> The British Government, wishing to avoid conflict with the French, suggested that the two governments appoint a joint commission to study "in what respect, and to what extent the subjects of the respective nations upon the coast of the Island of Newfoundland are in the habit of disregarding the provisions of the Treaties by which, within certain limits, the fishery upon these coasts is secured to French subjects."<sup>3</sup> The French Government agreed to this proposal and suggested that the commissioners should meet in Newfoundland in May, 1859, to conduct their investigation.<sup>4</sup>

The knowledge that the French intended to impose their

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<sup>1</sup>Ibid.

<sup>2</sup>Lord Cowley to Count Walewski, December 13, 1858, Journal of Assembly, 1859, Appendix, p. 405.

<sup>3</sup>Ibid., pp. 405-6.

<sup>4</sup>Count Walewski to Lord Cowley, January 5, 1859, Journal of Assembly, 1859, Appendix, pp. 406-7.



claim to an exclusive fishery right on the whole French Shore caused distress among the settlers there, and aroused the concern of the Newfoundland Legislature. The merchants and traders in St. George's Bay, learning that the French intended to prevent the British settlers from fishing, refused to issue supplies on credit in the autumn of 1858. The magistrate in St. George's Bay informed the Newfoundland Government that "a body of not less than 600 persons would be reduced to great destitution, and perhaps starvation; their only resource for a long winter's subsistence depending on a few bushels of Potatoes, and a very small quantity of Barley and Oats to be cropped."<sup>1</sup> On January 27, 1859, the opening day of the Legislative session, Hugh Hoyles presented a petition to the Assembly from the people of St. George's Bay protesting against the decision of the French to exclude them from the fishery which they had engaged in without interruption for so many years.<sup>2</sup> On the same day he gave notice of a resolution on the French claims which he intended to introduce in the Assembly. His resolution denied that the treaties guaranteed the French an exclusive fishery right. It maintained that the French had infringed upon the terms of the treaties by establishing fixed settlements on the coast, by using trawls and cod seines, and by interfering with the English settlers who engaged in the seal, herring, or salmon fishery on the

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<sup>1</sup>Quoted in Bannerman to Forrest, magistrate at St. George's Bay, August 31, 1858, Journal of Assembly, 1859, Appendix, p. 393.

<sup>2</sup>Journal of Assembly, January 27, 1859.



French Shore.<sup>1</sup> His resolution proposed that the Assembly inform the British Government of these views and that it should immediately introduce a bill to prevent the French from buying bait in Newfoundland--a measure which would be a great handicap to the French fishery since it depended largely upon supplies of bait from Newfoundlanders living on the south coast.

Before the Assembly entered committee of the whole to discuss Hoyles' resolution, Governor Bannerman received the news of the decision of the British and French Government to establish a Joint Commission to study treaty rights.<sup>2</sup> Bannerman informed the Assembly of the decision, and added that the Newfoundland Government might be allowed to appoint one member to the Commission. The Assembly agreed unanimously to these proposals, but resolved "that the Colony retains intact the right to deal independently with any proposal resulting from this inquiry that may contemplate a change in our maritime or territorial rights."<sup>3</sup> In addition, it passed a series of resolutions denying that the French had an exclusive right of fishery on any part of the coast and claiming that they were only allowed to engage in the cod fishery, and that the use of trawls or bultows, and cod seines was illegal.<sup>4</sup> The Executive Council appointed John Kent as Newfoundland's representative on the Joint Anglo-French Commission.<sup>5</sup>

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid., February 4, 1859.

<sup>3</sup>Ibid., February 16, 1859.      <sup>4</sup>Ibid.

<sup>5</sup>Minutes of Executive Council, 1855-61, February 25, 1859.



It met in the colony during the 1859 fishing season. Kent's service with the Commission ended when it concluded its work in Newfoundland in the autumn. No report of the Commission's proceedings was made to the Newfoundland Legislature. Governor Bannerman in his speech closing the Legislature in May, 1860, stated that he was "unaware of the result of the joint commission not having had any communication from Her Majesty's Government."<sup>1</sup>

Conditions on the French Shore in the 1850's were very different from what they had been in 1783 when France was given the right to catch and dry fish on the coast between Cape St. John and Cape Ray. In 1783 there was hardly a settler on the coast. By 1857, however, there were 3,334 settlers, almost all of whom were English.<sup>2</sup> The resident population on the Shore had grown partly because of the system adopted by the French "after the peace, of encouraging one or two settlers to live in each harbour to act as guardiens in their absence,"<sup>3</sup> during the months from October to April. After two or three generations this resulted in a large population in some harbours.<sup>4</sup> Other settlers may have been attracted to the coast by its natural resources. There was a large number of good salmon rivers on the west coast; it was a suitable

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<sup>1</sup>Journal of Assembly, May 14, 1860.

<sup>2</sup>Newfoundland Census, 1857.

<sup>3</sup>Captain Hamilton to Vice Admiral Hope, July 13, 1864, enclosed in Bannerman to Cardwell, No. 45, August 24, 1864, C.O. 194/172.

<sup>4</sup>Ibid.



base for herring fishing; and it had some of the best agricultural land in the island.

Despite the increasing number of settlers, the Newfoundland Government still had little control over the French Shore. Except for the honorary magistrate at St. George's Bay and two senior naval officers who acted as justices of the peace during the fishing season, there were no officials on the Shore to maintain law and order.<sup>1</sup> Frenchmen, Nova Scotians, and Americans conducted most of the trade and bartered provisions in return for fish.<sup>2</sup> No trade was conducted between St. John's and the western part of the French Shore.<sup>3</sup> There were no doctors or teachers and few clergymen or resident merchants. One Government official in a letter to the Secretary of State for the Colonies in 1858, stated that the French Shore "has never been recognized within the electoral franchise of the Island, nor received the benefits of education or even civilization; and with the exception of Cod Roy and St. George's Bay all religious instruction had been denied to them but that which may have been imparted by the . . . visit of some . . . Missionary."<sup>4</sup> A companion who visited White Bay with Bishop Feild in 1859 reported that the **area**, in which

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<sup>1</sup>F.F. Thompson, "Background to the Newfoundland Clauses of the Anglo-French Agreement of 1904" (unpublished Ph.D. *Phil.* thesis, Oxford University, 1953), pp. 105-6.

<sup>2</sup>Thompson, op. cit., p. 89.

<sup>3</sup>Tucker, op. cit., p. 178.

<sup>4</sup>Tobin to Lytton, November 23, 1858, Journal of Assembly, 1859, Appendix, p. 399.



one hundred and forty persons were baptized, had never been previously visited by a clergyman.<sup>1</sup> The settlers on the French Shore were not likely to remain satisfied to live in such uncivilized conditions, especially as they became aware of the improvements being made in the remainder of Newfoundland. The opportunities for disputes with the French and the demands for greater protection from the Newfoundland Government were certain to increase as the population on the Shore continued to grow.

Social conditions in Newfoundland, although much better than on the French Shore, were still backward. Despite increased amounts of money spent on education by the Liberals, illiteracy was still widespread. The mass of the fishermen still lived in near-poverty. Much of the money appropriated for building roads was given as patronage to hundreds of small communities instead of being spent to construct roads connecting the larger settlements. Many of the fishermen of the colony lived in small isolated harbours around the coast and had little contact with the rest of the island. St. John's continued to dominate the commercial and political life of the colony. The principal business establishments were centered there. Twenty-three of the thirty members elected to the Assembly in 1859 were residents of St. John's.<sup>2</sup> Most people in the colony had gained little experience with the working of responsible government. Although the political

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<sup>1</sup>Tucker, op. cit., p. 148.

<sup>2</sup>Journal of Assembly, May 9, 1860.



franchise was broad, the main qualification being the occupation of a house for one year, most electors had no opportunity to vote because few districts were contested in the general elections.<sup>1</sup> In the first two general elections following the introduction of responsible government only four of the colony's fifteen districts were contested. Except for the election disturbances of 1859 and 1860 responsible government seemed to be working satisfactorily. But the colony, at the beginning of 1861, still had an unstable economy; sectarian feeling remained strong; and the French Government still held effective control over a large part of the island's coastline.

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<sup>1</sup>Darling to Labouchere, No. 76, August 31, 1856,  
loc. cit.



## CHAPTER II

### THE DISMISSAL OF THE KENT GOVERNMENT

During the first six years of responsible government in Newfoundland no important issue had arisen to divide the community. The Fishery Convention of 1857, it is true, had aroused a great public furor, but it had united rather than divided the colony. The Conservatives and Liberals had joined unanimously to resist concessions to France and, as has been noted, the Convention was withdrawn.<sup>1</sup> The second great crisis came in 1861, following Governor Bannerman's dismissal of the Liberal Government from office. The Liberal party was predominantly Roman Catholic, and, as we have seen, had been in power since 1855. When dismissed it had a majority of six in the Assembly of thirty members. The ousting of the Liberals less than sixteen months after they had been reelected, followed by the appointment of a Protestant Conservative Government, caused a political and religious split in the community. Deep emotions were aroused; the colony became divided into two hostile camps; and there followed one of the worst periods of civil strife to occur in Newfoundland.

The reason Governor Bannerman gave for the dismissal of the Liberals was certain charges which the Premier, John Kent, made against him in the Assembly, but there were other equally important reasons. Of much importance was the distrust

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<sup>1</sup>See above, p. 6.



and antagonism which had developed between Bannerman and his Executive Council. From the time he became Governor in 1857, Bannerman was frequently in strong disagreement with his Executive Council. This was true when Little was leader of the Government<sup>1</sup> as well as after Kent became Premier in 1858.

Bannerman's view of the power and importance of the Governor under the system of responsible government contributed to the disagreement between him and his Executive Council. Less than a year after his arrival in Newfoundland, Bannerman informed the Secretary of State for the Colonies that his ideas on responsible government differed greatly from those of Darling, the Governor who had inaugurated the system in the colony.<sup>2</sup> Darling had maintained that, under responsible government, the means at the disposal of the Governor for imposing the views of the Imperial authorities upon the local Legislature were limited, and that at times the Governor was completely powerless.<sup>3</sup> Bannerman believed that the Governor was never powerless. He was convinced that responsible government increased rather than diminished the responsibility of the Governor. "When advice is tendered to me which I believe to be erroneous," he wrote to the Secretary of State for the Colonies in 1857, "I cannot forget that responsibility rests on the Governor alone, and none whatever (except to their

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<sup>1</sup>Bannerman to Labouchere, Private and Confidential, March 16, 1858, C.O. 194/152.

<sup>2</sup>Ibid.

<sup>3</sup>Darling to Labouchere, No. 11, March 3, 1857, C.O. 194/150.



constituencies) on his advisers."<sup>1</sup>

Bannerman expressed these views to Kent shortly after he became Premier.<sup>2</sup> Although he admitted his obligation to consult his advisers, Bannerman indicated that he did not feel obligated to follow their advice if he considered it to be wrong. To better impress his view upon the Premier, he informed him that, as Governor of Prince Edward Island after responsible government had been conceded to that colony, he had once dissolved the House of Assembly in opposition to the unanimous opinion of his advisers. Bannerman informed Kent that his ministers had attempted to have him recalled for "tyrannical conduct," but the British Government "perfectly concurred in the Constitutional course which I had pursued."<sup>3</sup> If a similar problem arose in Newfoundland, Bannerman indicated to Kent that he would act as he had done in Prince Edward Island.

Contention between the Governor and his Executive Council was concentrated primarily on the problem of French fishery rights in Newfoundland. The Government was determined to prevent any new concessions to the French, and especially as the Imperial authorities had promised not to modify the maritime or territorial rights of Newfoundland without first obtaining the consent of the colonial Legislature.<sup>4</sup> Bannerman

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<sup>1</sup>Bannerman to Labouchere, No. 82, October 26, 1857, C.O. 194/150.

<sup>2</sup>Bannerman to Kent, August 18, 1858, Miscellaneous Letter Books of the Governor's Office, 1855-58.

<sup>3</sup>Ibid.

<sup>4</sup>See above, p. 6.



was convinced that the Newfoundland Government attached much greater significance to this promise, and interpreted it much more broadly than the Imperial Government had intended.<sup>1</sup> He was particularly annoyed when his advisors twice declined the request of the Imperial authorities for the Newfoundland Government to make suggestions for settling disputes between the English and French in Newfoundland.<sup>2</sup> Bannerman feared that an agreement would never be achieved as long as the Newfoundland Legislature had the power of veto over any settlement the British Government might make with France.<sup>3</sup>

The appointment of Kent as one of the members of the Joint Anglo-French Commission established in 1859 to study the reasons for the disagreement of their subjects over treaty rights in Newfoundland<sup>4</sup> pacified the colony for a period. In the summer of 1860 the Duke of Newcastle, the Secretary of State for the Colonies in Palmerston's second administration, visited the island. During his visit he announced that negotiations for a new Fishery Convention were taking place between the British and French Government. This news made Newfoundlanders uneasy. This uneasiness turned to distrust when, at the opening of the Legislature in December, Bannerman

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<sup>1</sup>Bannerman to Stanley, Private and Confidential, May 13, 1858, C.O. 194/152.

<sup>2</sup>Bannerman to Merivale, Private, January 22, 1858, C.O. 194/152; and Bannerman to Lytton, Confidential, August 27, 1858, C.O. 194/153.

<sup>3</sup>Bannerman to Fortescue, Private, December 19, 1860, C.O. 194/161.

<sup>4</sup>See above, p. 36.



said that he had no further information on the negotiations.<sup>1</sup> Early in the new year the Executive Council, in a resolution to the Secretary of State for the Colonies, expressed its belief that a Convention had been reached on which Newfoundland was not to be consulted. The Liberal ministers declared "their solemn and emphatic remonstrance against any proceeding so unjust to the inhabitants of the colony . . . and so detrimental to the interests of the British connection."<sup>2</sup> Bannerman strongly disapproved of the resolution and informed Newcastle that he would not have sanctioned it had he been present at the meeting during which his advisers had adopted it.<sup>3</sup> Rumours that the British Government, in violation of Labouchere's pledge of 1857, was not going to submit the Convention to the Government and Legislature of Newfoundland for their assent, continued to spread. Late in January the Assembly adopted an address to Newcastle expressing its "surprise and alarm" over these rumours and the hope that "the Imperial Government will not confirm the reported disturbance of the sacred right of the . . . Colonists in this most important question."<sup>4</sup> Kent, in a speech to the Assembly, strongly criticized the British Government for not including him, as Newfoundland's representative, in the negotiations

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<sup>1</sup>Journal of Assembly, December 3, 1860.

<sup>2</sup>Bannerman to Newcastle, No. 11, January 30, 1861, and enclosures, C.O. 194/165.

<sup>3</sup>Ibid.

<sup>4</sup>Journal of Assembly, January 29, 1861.



which had begun after the Joint Commission of 1859 had submitted its report.<sup>1</sup> Bannerman believed that much of this agitation against the Imperial Government was raised by the Premier and other members of the Liberal party in the hope of increasing their political support in the colony.<sup>2</sup>

Apart from the conflict arising from negotiations on treaty rights of the English and French in Newfoundland, there had been a number of serious although less prolonged disputes between Bannerman and his Executive Council. On one occasion Kent had threatened to resign, on another the entire Executive Council had hinted at resignation, and in December, 1859, Bannerman had considered dismissing his advisers from office.

The first of these conflicts arose in December, 1858. James Tobin, Financial Secretary and a member of the Legislative Council, accused Bishop Mullock, in a public letter, of having undue influence in the administration of justice in Newfoundland.<sup>3</sup> Great excitement was aroused among the Roman Catholics of St. John's by a member of their own church "casting such reflection on their Bishop."<sup>4</sup> The Bishop was a strong supporter of the Liberals, and the Executive Council was indignant over Tobin's charges. On December 17th it passed a resolution

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<sup>1</sup>Bannerman to Newcastle, Private, February 12, 1861, and enclosures, C.O. 194/165.

<sup>2</sup>Ibid.

<sup>3</sup>Bannerman to Lytton, No. 100, December 31, 1858, C.O. 194/153.

<sup>4</sup>Ibid.



condemning his statement and recommending his suspension.<sup>1</sup> Bannerman agreed with the resolution, but when he stated that his Royal Instructions prevented him from suspending Tobin immediately, Kent threatened to resign his position as Colonial Secretary and Premier of the colony.<sup>2</sup> A few days later Bannerman suspended Tobin and Kent did not feel obliged to fulfill his threat.

The threat of resignation by the whole Executive Council occurred in February, 1860, over the suspension of Robert Reader, stipendiary magistrate at Old Perlican. Shortly after the general election of 1859, during which he was accused of having canvassed for the Liberals while acting as a returning officer,<sup>3</sup> the Executive Council recommended his appointment as magistrate at Old Perlican.<sup>4</sup> Not long after appointing him, Governor Bannerman received petitions from the people of the area complaining of Reader's behaviour. These petitions convinced Bannerman "that Mr. Reader's appointment had been a most improper one, and that his functions as a Magistrate ought immediately to cease."<sup>5</sup> When Bannerman informed the Executive Council of his intention to suspend Reader, the members threatened to resign unless he delayed

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<sup>1</sup>Bannerman to Kent, December 20, 1858, enclosed in Bannerman to Lytton, Separate, December 31, 1858, C.O. 194/153.

<sup>2</sup>Ibid.

<sup>3</sup>See above, p. 24.

<sup>4</sup>Bannerman to Newcastle, No. 14, March 5, 1860, C.O. 194/161.

<sup>5</sup>Ibid.



his action to a later date.<sup>1</sup> Despite the objections of his advisers, Bannerman dismissed Reader without delay. The Executive Council, instead of resigning, passed a resolution expressing its disapproval of the method of suspension adopted by the Governor.<sup>2</sup>

The conflict which led Bannerman to consider dismissing the Executive Council resulted from what he termed the deliberate withholding from him by his advisers of information concerning riots at Harbour Grace during the general election of 1859.<sup>3</sup> He informed the Executive Council that he could not tolerate such behaviour and warned that "if any occurrence of a similar nature shall happen in future, and I am kept in the dark by those whose duty it is to pursue a very different course to that which they have adopted on the present occasion, --I shall have only one alternative left, and that will be to dispense with their services."<sup>4</sup> The Executive Council maintained that failure to send information to the Governor had been unintentional. This explanation did not convince Bannerman and he believed that he could have dismissed the Kent Government for withholding the information. Over a year later he informed Newcastle that he believed it would have been neither wise nor prudent to have done so as the Liberals

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Bannerman to Newcastle, Confidential, January 16, 1860, C.O. 194/161.

<sup>4</sup>Bannerman to E.D. Shea, Acting Colonial Secretary, December 14, 1859, Miscellaneous Papers and Despatches of the Governor's Office, 1859 Volume.



would have been reelected at the general election which would have followed the dismissal.<sup>1</sup> By 1861 the situation had changed. The Government still had a majority of six in the Assembly, but there were indications that it had lost some of its public support and that it was suffering from internal dissension. In 1861 Bannerman believed that he could dismiss the Government without the certainty that Kent and his supporters would win the election.<sup>2</sup>

The first indication of the loss of public support came in June, 1860. Bishop Mullock, who had hitherto staunchly supported the Liberals and who, because of his influence with the Roman Catholic electors, was probably the most influential man in the politics of the colony, issued a strongly worded attack on the Kent Government. The motive for the Bishop's condemnation of the Government was its failure to provide a steam boat service between St. John's and the outports.<sup>3</sup>

Always a strong advocate of public improvement, Bishop Mullock had looked forward to the introduction of a steam boat service as a way to help end the isolation and general backwardness of the outports. The Government, although it had previously adopted a resolution providing £3000 a year for a steam boat service, refused to approve a charter which Judge Little, the

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<sup>1</sup>Bannerman to Newcastle, No. 46, July 3, 1861, C.O. 194/166.

<sup>2</sup>Ibid.

<sup>3</sup>Mullock to Catholic people of St. John's, June 4, 1860, enclosed in Bannerman to Blackwood, Private, June 7, 1860, C.O. 194/161; and Patriot, June 4, 1860 (quoted in Prowse, History of Newfoundland, pp. 486-87).



former Liberal Premier, had made on behalf of the colony for the use of a steamer, the Victoria.<sup>1</sup> The refusal led Bishop Mullock to declare that the Government had no intention of providing a steam boat service and had passed the resolution only to delude the people.<sup>2</sup> The Bishop denounced the members of the Government as state paupers more interested in their own salaries and in creating useless offices for political patronage than in providing this important public service. He termed the collection of revenue as nothing better than legalized robbery since public funds were distributed for the benefit of a few. He admitted that his name had hitherto been used to prop up the supporters of this system, but now repudiated his connection with "a party who take care of themselves but do nothing for the people."<sup>3</sup> Although the Liberals had been returned to office only a few months earlier, the Bishop warned that a new general election might soon be held and urged the people of the outports to find better representatives than those now in the Assembly. He charged that the present members "only consider Outport voters as fools to be cajoled by empty promises, to be bribed by eleemosynary doles of meal or road-jobbing, and useful only as qualifying their Representatives for a place, and enabling them to put their hands into the public chest."<sup>4</sup>

A few months after the Bishop's attack, the Government

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<sup>1</sup>Minutes of Executive Council, 1855-61, July 2, 1860.

<sup>2</sup>Mullock to Catholic people of St. John's, loc. cit.

<sup>3</sup>Ibid.      <sup>4</sup>Ibid.



was confronted with a serious threat when a division arose among the Liberal members of the Assembly over the distribution of poor relief funds. The Government wished to eliminate corruption in the expenditure of relief money, but its proposals were resisted by some of its own supporters. The problem of poor relief, as we have noted in the previous chapter, was not new. The problem became acute in 1860 with a decline of the economic prosperity which Newfoundland had enjoyed during the previous five years. In 1860 an unsuccessful seal and cod fishery, together with a failure in the potato crop, resulted in such widespread destitution that the Legislature was obliged to open in early December--nearly two months before the usual time--to vote extra funds to enable the Government to help relieve distress.<sup>1</sup> The Assembly promptly passed a resolution authorizing the Executive Council to expend enough money to help support the poverty-stricken of the colony<sup>2</sup> and then adjourned.

Although the Government had received wide powers to help reduce the distress among the people, the lack of an adequate system of administering relief, particularly to the able-bodied poor, was openly admitted. The Governor, in his speech at the opening of the Legislature, had termed as radically defective the practice of indiscriminate distribution of relief which had been in existence for so long.<sup>3</sup> The

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<sup>1</sup>Journal of Assembly, December 3, 1860.

<sup>2</sup>Ibid., December 13, 1860.

<sup>3</sup>Ibid., December 3, 1860.



Assembly, in its address in reply, had admitted the demoralizing effects of relief given without careful examination of the needs of the recipient, and had promised to co-operate with the Governor "in the adoption of some efficient measure to provide for the proper distribution of poor relief."<sup>1</sup>

Before the Legislature reopened, the Executive Council adopted a series of regulations for the distribution of relief both to the permanent and able-bodied poor.<sup>2</sup> Its decision was probably influenced by Bishop Mullock who, in a letter to the Executive Council late in December, accused it of permitting excessive expenditure on poor relief and urged the need to reform the system.<sup>3</sup> By the new regulations relief was to be given to the able-bodied poor only upon receipt of a certificate signed by a magistrate or clergyman of the district. The poor commissioners were to make lists of the recipients of relief, and these were to be reviewed weekly and published by a committee of the Executive Council. Kent himself believed that the only security against corruption and excess expenditure in providing poor relief would be the adoption of the principle of local assessment. If local inhabitants had to provide the money spent on poor relief in their own area they would take care to eliminate the indiscriminate giving of relief. At the same time, Kent realized

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<sup>1</sup>Ibid., December 10, 1860.

<sup>2</sup>Kent to the Receiver General, January 3, 1861, Letter Books of the Colonial Secretary's Office, 1858-64.

<sup>3</sup>Quoted in Kent to Mullock, December 27, 1860, Ibid.



that a country in which virtually all revenue was raised by indirect taxation would not accept the principle of direct assessment.<sup>1</sup> Even the less exacting regulations which the Executive Council had agreed upon aroused the opposition of a number of Liberal members in the Assembly. The regulations gave to clergymen and magistrates alone the power that the members of the Assembly had formerly shared with them over relief spending.<sup>2</sup> Not all Liberal members were willing to see this valuable source of patronage denied them. The day on which the Government laid before the Assembly its regulations for the distribution of poor relief, Patrick Nowlan, Liberal member for Harbour Main, gave notice of a resolution condemning the rules as unjust and inapplicable to the circumstances of the colony. His resolution further maintained "that any regulations made on the subject of poor relief should not ignore the just influence of the Representatives of the people, who are the constitutional and responsible guardians of the public welfare."<sup>3</sup>

The following day, Kent introduced a series of counter-resolutions defending the regulations proposed by the Executive Council. In a speech to the Assembly he claimed that indiscriminate giving of relief destroyed the industriousness of the people and threatened the solvency of the country. His

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<sup>1</sup>Kent to Mullock, January 5, 1861, Ibid.

<sup>2</sup>Proceedings of Assembly, January 23, 1861, Newfoundlander, January 28, 1861.

<sup>3</sup>Journal of Assembly, January 22, 1861.



resolutions admitted the duty of the Government to provide employment for the destitute in time of fishery or crop failure. In order to gain the support of the Assembly for the proposed reforms, the Executive Council vividly portrayed the abuse and corruption in the existing system. Kent admitted that sums of money had been squandered upon the able-bodied poor, upon drunkards and imposters, much of it without either the authority or knowledge of the Executive Council.<sup>1</sup> G.J. Hogsett, Attorney General, charged that under the existing system of relief administration Joseph Shea, the Poor Commissioner, without either consultation or control, expended as much as £12,000 a year for the relief of the poor.<sup>2</sup> The Attorney General also condemned Nowlan for trying to undermine the power of the Government and charged that he was merely acting "as the catspaw" for Ambrose Shea, the Speaker of the Assembly. Hogsett maintained that for the past six months, the Government had been "bullied and brow-beaten" by the Speaker.<sup>3</sup> Shea, perturbed by these charges against him and against the Poor Commissioner, who was his brother, told Kent that if he, as Colonial Secretary and leader of the Government, had permitted improper expenditure of revenue, it only proved that he was unfit to continue as leader of the Government.<sup>4</sup>

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<sup>1</sup>Proceedings of Assembly, January 23, 1861, loc. cit.

<sup>2</sup>Proceedings of Assembly, January 24, 1861, Newfound-lander, January 31, 1861.

<sup>3</sup>Ibid.

<sup>4</sup>Proceedings of Assembly, January 24, 1861, Daily News, January 25, 1861.



These outspoken charges and counter-charges raised excitement in the Assembly to such a peak that the Speaker, to prevent violence, was forced to adjourn the House.<sup>1</sup>

In all, four Liberal members, Nowlan, P.M. Barron, John English, and Richard McGrath, were in open revolt against the proposed reform of the relief system.<sup>2</sup> The Government was in a difficult position. If these members voted with the Conservatives the Government would be defeated. Probably as serious as the revolt of these members was the indication of a split between Ambrose Shea and the Government. Shea was one of the most prominent members of the Liberal party and some people considered him to be more able than Kent.<sup>3</sup> In 1859 a dispute had arisen between Shea and Kent over who should represent Newfoundland on the Joint Anglo-French Fishery Commission and Shea had threatened to resign his position as Speaker.<sup>4</sup> The present dispute indicated a continuing lack of confidence between the Premier and Shea and was almost certain to reduce public confidence in the Liberals.

The Executive Council must have realized that it could not hope to continue long in office if dissension in the party were not ended. Negotiations between the Government and the rebel members must have taken place because when the Assembly

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<sup>1</sup>Newfoundlander, January 23, 1861.

<sup>2</sup>Proceedings of Assembly, January 28, 1861, Newfoundlander, February 4, 1861.

<sup>3</sup>Prowse, op. cit., p. 486.

<sup>4</sup>Public Ledger, February 22, 1859; and Journal of Assembly, February 24, 1859.



met on January 28th, Kent announced that the misunderstanding among the Government supporters had been settled.<sup>1</sup> The agreement was achieved only by the Executive Council giving way to the wishes of the dissident group--a further indication of the weakness of the Government's position. Members of the Assembly were to be on boards for the distribution of relief in their respective districts and to possess the same powers as magistrates and clergymen.<sup>2</sup> In short, the members of the Assembly were given the powers which they had formerly possessed over relief distribution. Nor were the lists of the recipients of relief to be published. There was nothing to prevent the abuse that the Government so openly admitted had existed.

The rift in the Liberal party over the proposed reform of the poor relief system and the failure to implement the reform showed that the Government was weaker than its majority in the Assembly would have indicated. One consequence of the Government's failure to reform the system of relief distribution was the renewal of the antagonism of Bishop Mullock to Kent and his colleagues. The failure of the Government to enforce reform disappointed the Bishop. In his annual pastoral letter, he called upon the clergy, as the real guardians of the poor, to watch closely the distribution of relief in their parishes and to make certain that those who were really destitute were not neglected and to expose political squandering of the poor

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<sup>1</sup>Proceedings of Assembly, January 28, loc. cit.

<sup>2</sup>Ibid.



funds.<sup>1</sup> In a private letter to Governor Bannerman (which was never revealed to Kent's Government<sup>2</sup>) Mullock delivered his most severe criticism of the Government for permitting the old system of relief administration to continue. He believed that if members of the House of Assembly were allowed to distribute poor relief without restraint, much of it would be given merely as political bribes and the colony would be bankrupt in a year or two. The Bishop declared that "the whole system was one of robbery and demoralization on all sides; for the distribution of Poor Relief among the idle and improvident and for political purposes, was the worst species of political robbery, debasing as it did the distributors (if anything could do that) and debasing and demoralizing the recipients nearly to the level of their corruptors."<sup>3</sup> In a general election the Liberal party would be gravely handicapped if it were not to have at least the friendly approval of Bishop Mullock.

The various indications that the power of the Government was declining probably influenced Bannerman's decision to remove them from office. He believed that they regarded responsible government as a system by which they might, once in office, increase their own power and wealth.<sup>4</sup> Like Bishop

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<sup>1</sup>Newfoundlander, February 11, 1861.

<sup>2</sup>Kent to Governor, December 12, 1862, Miscellaneous Papers and Despatches of the Governor's Office, 1862 Volume.

<sup>3</sup>Mullock to Bannerman, February 10, 1861, extracts quoted in Coen to Kent, December 11, 1862, Ibid.

<sup>4</sup>Bannerman to Newcastle, Confidential, February 27, 1861, C.O. 194/165.



Mullock, he felt the term "legalized robbers" aptly described them.<sup>1</sup> Only by corruption during elections, in Bannerman's opinion, had they been able to gain a majority of seats in the Assembly.<sup>2</sup> In addition, he believed that Kent was unworthy of his position as leader of the Government.<sup>3</sup> When one considers Bannerman's low opinion of his ministers, it is not surprising that the mutual lack of confidence continued to increase. After mid-November, 1860, there was practically no communication between Bannerman and his advisers. Not a single meeting of the Executive Council was held from November 13, 1860, till March 6, 1861, and by the latter date a new Government was in office.<sup>4</sup>

While Bannerman, as we have noted, had considered the withholding of information from him by his Executive Council in 1859 a sufficient reason to dismiss them, he had not considered it expedient to do so. But in 1861 Bannerman believed that there was little fear of their being returned in an election. He was convinced that Bishop Mullock's letter of June, 1860, had begun to open the eyes of the people to the corruption of the Kent Government.<sup>5</sup> The bitter dissension

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<sup>1</sup>Bannerman to Blackwood, Private, June 7, 1860, C.O. 194/161.

<sup>2</sup>Bannerman to Newcastle, No. 35, May 20, 1861, C.O. 194/165.

<sup>3</sup>Bannerman to Newcastle, Separate, May 5, 1861, C.O. 194/165.

<sup>4</sup>Minutes of Executive Council, 1855-61, p. 551.

<sup>5</sup>Bannerman to Newcastle, No. 46, July 3, 1861, C.O. 194/166.



on poor relief in the Liberal party in January led him to believe that the Kent ministry was falling to pieces and as a result of internal division would not be able to remain in power longer than six months.<sup>1</sup> Finally, Bishop Mullock's private note of February 10th indicated to Bannerman that he was still as antagonistic to the Government as he had been upon its failure to supply a steam boat service for the colony. Bannerman believed that the removal of the Government from office, should an occasion arise to warrant it, might not be disagreeable to Bishop Mullock.<sup>2</sup> He must have been well aware of the great influence the Bishop possessed over the Irish population of the colony and probably would not have considered it safe to act in opposition to a strong and united Liberal party backed by Bishop Mullock.

Convinced of the incompetence of the Government and sure that the Liberal party was disintegrating, Bannerman would be tempted to dismiss his Executive Council if the opportunity should arise. In a private note to the Colonial Office in 1860, he mentioned what difficult men his advisers were and expressed his hope "to remain long enough here to lower some of them a peg when the opportunity offers and also try to get the Colony out of some of the difficulties which they have contrived to get it into."<sup>3</sup> What Bannerman seems to

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<sup>1</sup>Ibid.

<sup>2</sup>Bannerman to Newcastle, No. 77, November 19, 1861, C.O. 194/166.

<sup>3</sup>Bannerman to Fortescue, Private, December 19, 1860, C.O. 194/161.



have considered to be a favorable opportunity came in February, 1861, when Kent, in a moment of irritation during an Assembly debate, made certain injudicious charges against the Governor.

During a debate in the Assembly on February 25th, Thomas Glen, the Receiver General, announced the withdrawal of a Currency Bill because the Governor had objected to some of its provisions and had stated that it could not be passed without a suspending clause.<sup>1</sup> If a suspending clause were added, the Act would not come into operation until it received the official sanction of the British Government. The Bill, if passed, would have legalized the keeping of Government financial accounts in local currency instead of sterling.<sup>2</sup> The Bill would eliminate the confusion in the colony's finances resulting from the existence of British sterling and local, or Newfoundland sterling. The latter was of less value. Although the annual Revenue Acts stated that all sums of money granted or imposed would be in sterling money of Great Britian, the Government had been collecting its revenue and paying most of its expenses, including the salaries of most government officials, in Newfoundland sterling.<sup>3</sup> Shortly after his appointment to the Supreme Court in 1858, Bryan Robinson, on behalf of himself and Judge Little, claimed that they should be paid in British

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<sup>1</sup>Proceedings of Assembly, February 25, 1861, Newfoundlander, March 7, 1861; and Glen to Kent, March 8, 1861, Public Ledger, March 8, 1861.

<sup>2</sup>Newfoundlander, March 4, 1861.

<sup>3</sup>Bannerman to Newcastle, No. 5, January 15, 1861, C.O. 194/165.



rather than Newfoundland sterling.<sup>1</sup> Had they been paid in British sterling their salaries would have been increased by about £30 annually.<sup>2</sup> Robinson petitioned to have the case heard by the Supreme Court of Newfoundland.<sup>3</sup> The Currency Bill would have superceded the claims of the Judges to receive their salaries in British sterling, and would have denied them a hearing in the Court. Hoyles criticized the Bill on these grounds in the Assembly and said that the Judges had considered it to be so unjust that they had, on his advice, sent a protest against it to the Governor.<sup>4</sup> Kent had not been informed that there had been any protest against the Bill and was indignant at receiving this information from the leader of the Opposition. He charged that secret plotting and conspiracy had been going on among the Assistant Judges and the lawyers, and that these had influenced the Governor not to sanction the passage of the Currency Bill without a suspending clause. As he bluntly stated it, "the Currency Bill . . . was defeated by the minority acting in concert with the Judges and the Governor."<sup>5</sup>

When we consider the lack of confidence existing between

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<sup>1</sup>Bannerman to Assembly, Journal of Assembly, February 18, 1861.

<sup>2</sup>Bannerman to Newcastle, Private, February 27, 1862, C.O. 194/168.

<sup>3</sup>Bannerman to Assembly, loc. cit.

<sup>4</sup>Proceedings of Assembly, February 25, 1861, loc. cit.

<sup>5</sup>Proceedings of Assembly, February 25, 1861, Daily News, February 27, 1861; and Bannerman to Kent, February 28, 1861, Public Ledger, March 5, 1861.



the Executive Council and Bannerman and that he had not objected to the Currency Bill prior to its introduction to the House of Assembly,<sup>1</sup> it is not surprising that Kent should have suspected him. Bannerman, however, according to his own evidence, had not been influenced by the protest of the Judges. Before receiving their protest he had already informed the Receiver General that he could not assent to the Bill without a suspending clause.<sup>2</sup>

As soon as Bannerman learned of the accusations made against him by the Premier, he wrote to Kent asking if he had really uttered the statements reported in the press.<sup>3</sup> Kent curtly replied that he did not consider the Governor had a constitutional right to question him on any statement he had made in the Assembly.<sup>4</sup> Bannerman held a different view and, the following day, informed the Premier that he was responsible to him both for his language and actions in the Assembly and that he could not refuse any explanation the Governor might require.<sup>5</sup> In the same letter, Bannerman denied the charges Kent had made against him as unjust and unfounded. He informed the Premier of his dismissal and thus gave him no second

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<sup>1</sup>Glen to Kent, March 8, 1861, Public Ledger, March 8, 1861.

<sup>2</sup>Bannerman to Robinson, February 19, 1861, Public Ledger, March 5, 1861.

<sup>3</sup>Bannerman to Kent, February 27, 1861, quoted in Bannerman to Kent, February 28, 1861, loc. cit.

<sup>4</sup>Kent to Bannerman, February 27, 1861, quoted in Bannerman to Kent, February 28, 1861, Ibid.

<sup>5</sup>Bannerman to Kent, February 28, 1861, Ibid.



opportunity to retract or explain the statements which he had made in the Assembly. "I consider it impossible for me to carry on the public business of the Colony with the present Government," Bannerman wrote, "and it becomes my duty to inform you that I must dispense with the services of yourself and your colleagues, and that you hold your offices only until a new Government shall be formed."<sup>1</sup>

This sudden notice of dismissal must have come as a shock. The Government, the whole Liberal party, and the press which supported it were furious. The Newfoundlander, a prominent Liberal newspaper edited by E.D. Shea, a member of the Kent Government, condemned Bannerman for concealing from his Executive Council the protest against the Currency Bill which he had received from the Judges.<sup>2</sup> It charged that withholding this important information was as unconstitutional as Kent's words were irregular. It regarded Kent's offense as a mere pretext for the dismissal and accused Bannerman of having a burning desire to take the Opposition into his services. The Patriot, edited by a Liberal member of the Assembly, termed the reason given by Bannerman for the expulsion of his Executive Council as "a mere pretext--vilest of shams."<sup>3</sup>

The view which the former Liberal Government took of its dismissal from office was stated best by Kent in a speech before the Assembly.<sup>4</sup> He condemned the Governor for not calling

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<sup>1</sup>Ibid.      <sup>2</sup>Newfoundlander, March 4, 1861.

<sup>3</sup>Patriot, March 4, 1861.

<sup>4</sup>Proceedings of Assembly, March 4, 1861, Daily News, March 5, 1861.



a meeting of the Executive Council to see if the other members were prepared to support him in the statements he had made, and held that he himself might have given an explanation had the Governor sent for him in person. Bannerman, he charged, had been influenced by the Conservative minority to dispense with the entire Government. Kent maintained that "a despotism at Government House were determined to get rid of the present Government and they made my language in this House an excuse for doing so."<sup>1</sup>

There was some truth in Kent's claim that Bannerman had been influenced by the Conservative Opposition in his decision to dismiss the Government. When Bannerman received Kent's refusal to explain his statements in the Assembly, he was uncertain which course he should follow and called in the Conservative leader, Hugh Hoyles, to advise him.<sup>2</sup> Though Hoyles was a distinguished lawyer, his opinion was hardly likely to be unbiased. He advised Bannerman that his only course was to dismiss the Kent Government, but asked him to take no action until he had consulted another lawyer.<sup>3</sup> Hoyles contacted Carter, another prominent Tory member of the Assembly, who concurred in the opinion expressed by Hoyles.<sup>4</sup> After receiving this advice and the promise of Hoyles to form a new Government,<sup>5</sup> Bannerman informed Kent that he and his colleagues were dismissed.

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<sup>1</sup>Ibid.

<sup>2</sup>Bannerman to Newcastle, No. 35, May 20, 1861, C.O. 194/165.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.



Bannerman must have realized that the ousting of a Liberal, and predominantly Roman Catholic Government, and the appointment of a Protestant Conservative one would raise political and religious emotions, especially among the Irish population of the colony. It was perhaps in an attempt to avoid this, as well as to gain the support of a majority in the Assembly for the Conservatives, that Bannerman advised Hoyles to try to form a coalition. Bannerman informed Newcastle that when he requested Hoyles to form a Government, he had reminded him that as Governor he "had always been a friend to civil and religious liberty and toleration, and that in a colony like this, whatever a man's creed it must not exclude him from holding a civil office."<sup>1</sup> Bannerman probably hoped that the offer of office to Roman Catholics would ensure the support of Bishop Mullock for the dismissal of the Kent Government, and thus divide the Liberal party on the issue. Hoyles accepted Bannerman's advice and informed the Assembly that three positions in the Executive Council would be reserved for Roman Catholics. Lawrence O'Brian<sup>e</sup>, a Roman Catholic Liberal and President of the Legislative Council, consented to join the Hoyles Government.<sup>2</sup> Hoyles also invited Ambrose Shea, the prominent Roman Catholic Liberal member of the Assembly who had for some time past been in disagreement with Kent,<sup>3</sup> to

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<sup>1</sup>Bannerman to Newcastle, No. 20, March 14, 1861, C.O. 194/165.

<sup>2</sup>Ibid.

<sup>3</sup>See above, p. 55.



accept office but he refused.<sup>1</sup> Apparently, Hoyles did not attempt to induce any other Liberal to join the Executive Council. Thus, in the Assembly he still had the support of only the Conservatives and was the leader of a minority Government.

Hoping to avoid an election in the spring when many fishermen would be at the seal hunt, Hoyles offered the Liberals the option of continuing the business of the session until the autumn.<sup>2</sup> The Liberals refused the offer and instead proposed a resolution of no confidence in the Hoyles Government. Their resolution claimed that the Governor had acted contrary to his Royal Instructions and that, since the outgoing ministry had the confidence of the Assembly, the new Executive Council was not entitled to hold its position without a dissolution.<sup>3</sup> The resolution was passed by a vote of sixteen to twelve. Bannerman now had no alternative but to dissolve the Assembly. This he did on March 7th.

A general election was planned for the end of April. Hoyles and his colleagues were enabled to continue as advisers of the Governor until that date, since there was a local act providing that persons accepting acting appointments might continue to hold them for six months before going to the constituents.<sup>4</sup>

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<sup>1</sup>Proceedings of Assembly, March 4, 1861, Daily News, March 6, 1861.

<sup>2</sup>Bannerman to Newcastle, No. 20, loc. cit.

<sup>3</sup>Journal of Assembly, March 5, 1861.

<sup>4</sup>Bannerman to Newcastle, No. 20, loc. cit.



Prior to the dissolution of the Assembly, Hogsett, the Attorney General of the Liberal Government, sent a protest to Governor Bannerman claiming that the dismissal was both unconstitutional and illegal.<sup>1</sup> Hogsett did not recognize the authority of the Governor to suspend the Commission as Attorney General given him by the Queen. He maintained that he held his office by virtue of the support of the majority in the Assembly, and that he could be displaced only after losing the confidence of that majority. Hogsett requested that his protest be forwarded to the Secretary of State for the Colonies.

Bannerman was confident that his action was both legal and constitutional. He informed Newcastle that he felt he would be unworthy to remain in the Queen's service if the charges Kent had made against him in the Assembly were true.<sup>2</sup> If, on the other hand, he had allowed Kent's accusations to go unnoticed he felt he would have been equally unfit to serve the Crown. He justified his failure to consult his Executive Council prior to dismissing them by stating that his Instructions did not oblige him to follow such a course. The dismissal he regarded as a duty which he was bound to perform to the Crown.<sup>3</sup>

Despite his expression of these views, the officials

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<sup>1</sup>Hogsett to Bannerman, March 6, 1861, enclosed in Bannerman to Newcastle, No. 19, March 13, 1861, C.O. 194/165.

<sup>2</sup>Bannerman to Newcastle, No. 35, May 20, 1861, C.O. 194/165.

<sup>3</sup>Ibid.



of the Colonial Office believed Bannerman had acted illegally and had violated proper constitutional procedures. They took this view even though they were convinced that by his action Bannerman had secured the services of "a fairly good Ministry in place of a very bad one."<sup>1</sup> Sir Frederic Rogers, Permanent Under-Secretary of the Colonial Office, held that Bannerman did not possess the legal authority to dismiss his Executive Council.<sup>2</sup> Executive Councillors were appointed by warrant from the Governor under express authority of Her Majesty. They held office, not during the Governor's, but during Her Majesty's pleasure and only by order from Her could they be removed. The Governor did have power to suspend public officials pending confirmation from Her Majesty's Government. But he could only suspend them after the officials had been summoned before the Executive Council and they had advised suspension. Since that course was inapplicable to the removal of an entire Executive Council, Rogers believed that, unless there was some local statute on the subject, Hogsett's claim that Bannerman had acted illegally was correct. He thought, however, that the Governor ought to possess the legal power, just as the Crown possessed it in Britian, to dispense with a ministry commanding the confidence of the majority in the elected House. Rogers believed that such power ought to be given with "the tacit understanding that it should only be exercised in extreme cases."<sup>3</sup>

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<sup>1</sup>Minute of Newcastle, C.O. 194/165, p. 159.

<sup>2</sup>Minute of Rogers, C.O. 194/165, pp. 153-58.

<sup>3</sup>Ibid.



In his opinion, the charges which Kent had made would not have justified the use of this power of dismissal even if the Governor had possessed it. He wrote:

I confess I feel much doubt whether Mr. Kent's conduct was such as to justify Sir A. Bannerman in resorting to what is somewhat in the nature of a 'coup d' etat.' Certain direct and unbearable results would no doubt warrant the representative of the Sovereign . . . in appealing to the Country for protection against the existing House of Assembly and the Ministry which it supported. But considering Colonial habits of speech, I can hardly view Mr. Kent's expressions as of so extreme a character as to call for an extra-constitutional step.<sup>1</sup>

Newcastle feared that Bannerman had acted rashly and under the impulse of temper. "Nothing," he commented, "can justify this extreme step except that which is generally held to justify strong measures--success."<sup>2</sup> Success would be achieved only if a majority were returned in a general election favourable to Hoyles. Since there was no guarantee that Hoyles would gain a majority, Newcastle stated, in a private memorandum, that he was convinced that Bannerman had acted unwisely. He agreed with Rogers that Kent's language did not warrant dismissal. Both were quick to grasp the difficult position in which Bannerman would be placed should Kent gain a majority in the new Assembly. Rogers realized that if Kent were to accept office, Bannerman, having exhausted his only remedy to get rid of men he disliked, would find himself in a more humiliating position than before.<sup>3</sup> On the other hand, if Kent were to refuse to hold office under Bannerman and were to

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<sup>1</sup>Ibid.

<sup>2</sup>Minute of Newcastle, loc. cit.

<sup>3</sup>Minute of Rogers, loc. cit.



prevent anybody else from holding it, Rogers believed that the Imperial Government would have no alternative but to recall the Governor. To recall a Governor because of a collision between him and his Executive Council would have established a precedent which Rogers realized would destroy the little independent authority which the Governors of responsible colonies still retained. Newcastle agreed with Rogers. "If an Assembly is returned by the Constituents favourable to Mr. Hoyles," he commented, "all will be well... and Mr. Kent may spit fire and fury as much as he likes--but if the reverse should be the result, he [Bannerman] has played his last card, has brought Government to a deadlock, and must probably resign or be recalled."<sup>1</sup>

Equally convinced of the imprudence of Bannerman's action was A.J. Blackwood,<sup>2</sup> Chief Clerk of the North American Department in the Colonial Office. He disagreed with both the dismissal and the method by which Bannerman had effected it. If a Governor could no longer transact the business of government with his Prime Minister, Blackwood thought that he should strive by persuasion, or some other unobjectionable process, to secure his retirement. Persuasion, he realized, probably would have failed with Kent, but he believed that the Governor was not justified in removing his whole Executive Council because of a statement made by his Prime Minister alone. He was convinced that Bannerman should first have dissolved the

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<sup>1</sup>Minute of Newcastle, loc. cit.

<sup>2</sup>Minute of Blackwood, C.O. 194/165, pp. 148-53.



Assembly, and then if Kent failed to get a majority in the ensuing election he would be forced to resign.

The officials of the Colonial Office might have had a little more sympathy for Bannerman's action had they held a higher opinion of his abilities as a Governor. Their opinion was illustrated by their reaction to the method Bannerman had adopted to inform Newcastle of the dismissal. To get his despatches on this subject to the British Government as quickly as possible, Bannerman had telegraphed the Cunard Company to make a special trip to St. John's.<sup>1</sup> He himself paid the £400 which the trip cost, but informed Newcastle that he hoped the British Treasury would refund the money. In a memorandum on Bannerman's despatch one of the officials wrote:

A very unnecessary piece of self-will. . . . I humbly conceive that it would take Sir Alexander a good many years to write despatches which would be worth £400 and to pay that price for an early receipt of a single Bag of his lamentations on men and manners in Newfoundland is really dear.<sup>2</sup>

Newcastle informed Bannerman that the British Treasury would

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<sup>1</sup> A mail steamer left St. John's on February 27th, (General Index Book of Despatches to Colonial Office, 1858-64) one day before the dismissal of the Kent Government, and by contract with the Cunard Company the next mail would not leave St. John's until a month later. (Bannerman to Newcastle, No. 42, June 29, 1861, C.O. 194/165). For the past two winters the Newfoundland Government had paid the Company to make extra trips, thus providing the colony with a bi-monthly mail service with Halifax. Two extra trips had been made already during that winter, and the Liberals, according to Bannerman, had announced that there would be a third trip. After the first two were completed, however, the Kent Government, without consulting Bannerman, had informed the Company that it did not desire a third trip. (Bannerman to Newcastle, No. 23, March 15, 1861, C.O. 194/165). Bannerman believed that the Government had made this decision to prevent his despatches from reaching England on schedule.

<sup>2</sup> Minute of Elliot, C.O. 194/165, p. 176.



not refund the £400 and that there "was nothing in the situation of affairs, or in the nature of the communications to warrant recourse to so unusual a proceeding."<sup>1</sup> He reminded Bannerman that the "objections to the extraordinary steps of the kind which you took is not confined to their expense; they give an air of precipitancy to the proceedings of the Government, and tend to disseminate exaggerated ideas of the importance of the occasions on which they are employed."<sup>2</sup>

Newcastle, in reply to Bannerman's despatch on the dismissal of his advisers, informed him that he entertained "serious doubts whether under your Commission and Instructions it were legally competent to you to take this step," and that he would "be glad to know the grounds on which you considered yourself possessed of this authority."<sup>3</sup> Even though he declined to express an opinion on the constitutional correctness of Bannerman's action, Newcastle reminded him of the embarrassing position he would be in should the former Kent Government be returned in the general election. Bannerman, in his reply, tried to show the constitutional justification for and the political expediency of the dismissal,<sup>4</sup> but failed to indicate the grounds on which he considered himself legally authorized to effect it. Newcastle considered this reply unsatisfactory.

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<sup>1</sup>Newcastle to Bannerman, No. 100, June 12, 1861, Despatches from Colonial Office, 1861 Volume.

<sup>2</sup>Ibid.

<sup>3</sup>Newcastle to Bannerman, No. 92, May 3, 1861, C.O. 194/165, pp. 159-60.

<sup>4</sup>Bannerman to Newcastle, No. 35, May 20, 1861, C.O. 194/165.



He again wrote to Bannerman asking him if there was any local statute or clause in the appointing of Executive Councillors which gave the Governor legal power to dismiss them.<sup>1</sup> Bannerman, in answer to this despatch, admitted that there was no local statute which gave him the power to dismiss members of the Executive Council.<sup>2</sup> Moreover, he explained that he believed he required no local statute or usage to dispense with the services of Executive Councillors whom he was convinced had lost public confidence. Bannerman stated that he had acted under the power which, as Governor, he believed he possessed. By this time, Newcastle had already informed him that the Governor of Newfoundland ought to have the power to dismiss his Executive Council and that his Royal Instructions would be amended to make this possible.<sup>3</sup> Bannerman's delight on receiving this addition to his Instructions was so evident that Newcastle felt obliged to warn him not to attach a greater significance to it than it was intended to have.<sup>4</sup> The additional Instructions, he pointed out, were not to modify in any way the existing principle of responsible government. Newcastle advised Bannerman not to publish them since that would indicate to an apparently unsuspecting public the illegality of the dismissal of the Government. Newcastle also believed that

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<sup>1</sup>Newcastle to Bannerman, No. 101, June 15, 1861, Despatches from Colonial Office, 1861 Volume.

<sup>2</sup>Bannerman to Newcastle, No. 46, July 3, 1861, C.O. 194/166.

<sup>3</sup>Newcastle to Bannerman, No. 101, loc. cit.

<sup>4</sup>Newcastle to Bannerman, Confidential, August 26, 1861, Despatches from Colonial Office, 1861 Volume.



publication might lead the people to believe that the principle of responsible government was being infringed upon. Consequently, the additional Instructions were not publicized. Nor was any of the correspondence between the Governor and Newcastle relating to the dismissal made available to the Legislature.<sup>1</sup>

The return of Hoyles with a majority in the general election satisfied Newcastle's sole criterion for justifying Bannerman's dismissal of his Executive Council<sup>2</sup> and, as a consequence, Bannerman was never strongly condemned by the Colonial Office. But to justify the dismissal simply on the grounds of its success is to overlook the strife and bitterness which Bannerman's action caused in the colony. Although Kent may have been hasty and unjust in his charges in the Assembly, and although the Liberal Government may have been progressively weakening from internal dissension and loss of public support, Bannerman, by his despotic action, prepared the way for one of the most severe political and sectarian struggles to occur in the history of Newfoundland.

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<sup>1</sup>Journal of Assembly, June 12, 1861. An Opposition motion to have the correspondence on the subject of the dismissal placed before the House was defeated by a vote of 12 to 8.

<sup>2</sup>Minute of Newcastle, C.O. 194/165, p. 159.



### CHAPTER III

#### THE GENERAL ELECTION OF 1861

The two political parties in Newfoundland, as we have noted, were based predominantly on religious affiliations.<sup>1</sup> The Liberal party was largely Roman Catholic while all the Conservatives elected to the Assembly since 1855 had been Protestants. The sectarian and political emotions aroused by Bannerman's dismissal of the Liberal Executive Council and the appointment of Hoyles and his Protestant Conservative colleagues intensified as the general election approached. The events which took place during the election, and immediately following it, clearly demonstrated the danger of having political parties so closely identified with religious groups.

Since Bishop Mullock possessed such a strong influence over the Roman Catholic population, his reaction to the dismissal would be of special importance. Newcastle, the Secretary of State for the Colonies, expressed the opinion that the success of the dismissal would depend on the course taken by the Bishop in the general election.<sup>2</sup> If Bishop Mullock were to support Bannerman's action, he would carry with him the support of many former Liberals and thus secure, without much difficulty, the election of the Hoyles Government. If, however, he were to condemn the dismissal of Kent and his colleagues, the Liberal party would presumably be united and

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<sup>1</sup>See above, pp. 23-24.

<sup>2</sup>Minute of Newcastle, loc. cit.



might win the election. Bannerman's removal of the Executive Council and the refusal of any Liberal member of the Assembly to join the new Government must have placed Bishop Mullock in a dilemma. Until 1860 he had been the most important supporter of the Liberal Government. Now, partly because of the severity of his attacks, the Liberals were out of office. In their place were the Conservatives--the party which had opposed responsible government; was composed exclusively of Protestants; and in which the influence of the merchants was strong. There was great interest in the colony over the attitude which the Bishop would take.<sup>1</sup> Governor Bannerman, as we have already seen, believed that the dismissal would not be disagreeable to him.<sup>2</sup>

Bishop Mullock chose to align himself against the new Government. He made his decision clear in a public letter written toward the end of March,<sup>3</sup> about three weeks after the dismissal of the Liberals. While admitting that he was no apologist for the Kent Government, he, nevertheless, stated that the Liberals alone had improved the country by building roads, providing grants for education, and establishing a more efficient postal service. The Opposition, he charged, had objected to every public improvement. The Bishop maintained that the recent events had fanned sectarian antagonism into

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<sup>1</sup>Henry Winton, A Chapter in the History of Newfoundland for the year 1861 (St. John's: Henry Winton, 1861), p. 6.

<sup>2</sup>See above, p. 59.

<sup>3</sup>Mullock to Editor of Record, March 21, 1861, enclosed in Bannerman to Newcastle, Separate, May 16, 1861, C.O. 194/165.



flame. In this, he was correct. The Liberals still remembered the days of representative government when the Tories, who were primarily members of the Church of England, held most of the power, largely to the exclusion of Roman Catholics and Wesleyans. Many Liberals regarded the dismissal of the Kent Government as an effort to reestablish the former Protestant ascendancy. After all, Hoyles had been one of the most vigorous defenders of that ascendancy. R.J. Parsons, a Protestant Liberal member of the Assembly, charged that Bannerman had been allied for a long time "to the ultra-Protestant and Tory Faction of Newfoundland,"<sup>1</sup> and denounced him for calling the "same rampant High Church party, now led by Hoyles and Bishop Feild" to form a Government.<sup>2</sup>

Bishop Mullock increased the sectarian bitterness. He emphasized the danger of Protestant ascendancy and the need for Roman Catholic unity. In his public letter the Bishop wrote:

My advice then to the Catholic electors is this:-- Divide and conquer has always been the rule of your enemies, by this they have succeeded in enslaving you, by this they hope to do so again . . . Your civil and religious liberty are concerned, your schools, your colleges, everything which you value as Catholics: for it is a melancholy fact which history will not allow us to contradict, that wherever Protestants got undivided power, they invariably used it in old times, and even now where they can . . . for the enslavement of the Catholic people and the destruction of their religious establishments. . . . Be divided and you will be what you were 40 years ago.<sup>3</sup>

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<sup>1</sup>Patriot, March 11, 1861.

<sup>2</sup>Ibid., March 4, 1861.

<sup>3</sup>Mullock to Editor of Record, March 21, 1861, loc. cit.



To achieve Liberal victory and prevent Protestant ascendancy, he urged his people to follow the advice of their only disinterested friends, the Roman Catholic clergy, who, he was confident, would recommend only the best candidates. The Bishop stated that it was publicly rumoured that the Kent Government had been dismissed because of Conservative charges that it was a Roman Catholic administration.<sup>1</sup> Bishop Mullock refused to express any opinion on the rumour, but since there were two Protestants in Kent's Executive Council, he stressed that it was false to claim that the Government had been Roman Catholic. He claimed that the Liberal Government had given about four-fifths of its patronage to Protestants while the new Conservative Government seemed determined to give Roman Catholics none.

The Bishop's letter was certain to arouse the emotions of the Roman Catholics, most of whom were of Irish descent. It also raised Protestant antagonism. Henry Winton, the editor of the Public Ledger, while admitting that there were two Protestants in Kent's Government, held that since 1855 Newfoundland had really been governed by the Roman Catholic clergy.<sup>2</sup> He referred to Thomas Glen, who had been a member of the Liberal Government since 1855, as a "recreant Protestant", and charged that James J. Rogerson, who had become a member of the Government in 1857, was a selfish Protestant

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<sup>1</sup>Ibid.

<sup>2</sup>Public Ledger, March 26, 1861, enclosed in Bannerman to Newcastle, Separate, May 16, 1861, C.O. 194/165.



interested only in the spoils of office. Winton claimed that Bishop Mullock's open admission of his influence in promoting reforms made by the Liberals showed that the Roman Catholic clergy had been the actual rulers of the colony.

This sectarian antagonism was further intensified by a public letter by Bishop Feild of the Church of England. Bishop Feild maintained that the Kent Government had been incompetent and thanked Governor Bannerman for removing them.<sup>1</sup> He claimed that the new Government was composed of men far superior to those of the former ministry, and believed that the colony would have greater confidence in Hoyles and his colleagues. Although he was pleased that his friends were now in office, Bishop Feild still believed that Newfoundland was unsuited for responsible government.<sup>2</sup>

Governor Bannerman, realizing that this sectarian bitterness was likely to endanger the peace of the colony, was displeased by the statements of the two Bishops. He regarded Bishop Mullock's letter as a complete repudiation of his former condemnation of the Kent Government<sup>3</sup> and was probably shocked at the forcefulness of his statements. Bannerman was perturbed by Bishop Feild's entry into the political arena. In a despatch to Newcastle, the Governor declared that the Bishop's action was "very injudicious . . . for he increased my difficulties

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<sup>1</sup>Feild to Editor of Telegraph, April 6, 1861, enclosed in Bannerman to Newcastle, Ecclesiastical and Political, May 17, 1861, C.O. 194/165.

<sup>2</sup>Ibid.

<sup>3</sup>Bannerman to Newcastle, Separate, loc. cit.



and by alluding to such a man as Kent, put himself on a level with him, laid himself open to coarse ribaldry."<sup>1</sup> Bishop Feild's letter seemed to support the Liberal claims that the Governor had dismissed his Executive Council because they were predominantly Roman Catholic.

With the two Bishops taking opposite sides and with sectarian antagonism at a peak, election disturbances were almost inevitable. Election riots had been common during the period of representative government. In the general election of 1859, as we have noted, there had been a bitter contest in Burin and riots had occurred in Harbour Grace then and during the by-election in 1860.<sup>2</sup> These disturbances had broken out although no widespread sectarian cry had been raised. Moreover, in 1859 the Liberals had been almost certain of gaining a majority. Now they were less certain of being returned and the supporters of both parties were enraged with intense political and religious feeling.

There was, however, no highly organized political campaign. Election contests were held in only four districts.<sup>3</sup> and in one of these the contest was between Liberal candidates. The Conservatives were returned by acclamation in all the districts they had formerly represented. In Burin, a traditionally Liberal district, Hoyles and his Conservative colleague, Edward Evans, were returned without an election

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<sup>1</sup>Bannerman to Newcastle, Ecclesiastical and Political, loc. cit.

<sup>2</sup>See above, pp. 24-28.

<sup>3</sup>See Appendix C.



contest.<sup>1</sup> This increased Conservative strength to fourteen members. The Liberals, if they were to gain a majority, would have to hold the other sixteen seats. All except two of these remaining districts had large majorities of Roman Catholics and had been traditional Liberal strongholds. In these the Liberals were almost certain of victory. The districts of Carbonear and Harbour Grace, like Burin, had since 1855 returned Liberal members although the majority of the population in each was Protestant. But with antagonism between Roman Catholics and Protestants growing as it had been since the dismissal of the Kent Government, the people might choose to vote according to their religion. If they were to vote by religion, the Conservatives would have a majority in the new Assembly. The importance of the voting in these two districts increased the danger of election disturbances.

Fearing that riots would break out during the general election, the inhabitants and magistrates of Harbour Grace appealed to the Governor for a military force to preserve the peace of the district.<sup>2</sup> The Governor-in-Council acceded to the request and on April 22nd, four days before the nomination of candidates was to take place, one hundred men of the Royal Newfoundland Company arrived in Harbour Grace from St. John's.<sup>3</sup> Even this large force was insufficient to prevent disturbances.

On April 26th, the two former representatives, John

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<sup>1</sup>Public Ledger, May 10, 1861.

<sup>2</sup>Minutes of Executive Council, 1855-61, April 15, 1861.

<sup>3</sup>Bannerman to Newcastle, No. 29, May 8, 1861, C.O. 194/165.



Hayward, a Protestant, and James L. Prendergast, a Roman Catholic, were nominated, along with Henry Moore, a second Protestant candidate. There was no serious disturbance during the nominations, but shortly afterward fighting broke out between the supporters of the two Protestant candidates and those of Prendergast.<sup>1</sup> R.J. Pinsent, the stipendiary magistrate, considered the disturbance sufficiently serious to warrant calling out the military forces. The troops were unable to prevent the entry into the town of three to four hundred men from Carbonear who had come to aid the Prendergast party. After they joined their Harbour Grace friends, violence and destruction increased. After reading the riot act, Pinsent succeeded in interposing the troops between the rival parties. He then endeavoured to persuade each party to disperse. Some members of the Protestant party apparently did obey Pinsent's request. Prendergast's supporters, however, rushed past the troops and attacked those who remained. The Protestant group was obliged to flee and the Prendergast party gained control of the main street and began breaking doors, windows, and shutters of property belonging to the supporters of the Protestant candidates. Nor did they hesitate to damage the property of the two or three Roman Catholics who supported Moore and Hayward.

Pinsent tried to stop the mob from continuing its depredations by repeatedly marching the troops through the streets. This proved ineffective and the mob continued its

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<sup>1</sup>See "Minute in Pinsent case," Minutes of Executive Council, 1855-61, pp. 613-20, for the most complete report on the nomination day riots in Harbour Grace.



destruction. Captain Hanrahan, who was in command of the troops, had previously informed Pinsent that if he were called to disperse a mob, he could do so only by firing on them.<sup>1</sup> Pinsent did not feel warranted in adopting this "last and deadly resort," for although much property was damaged,<sup>2</sup> little serious personal injury was inflicted.<sup>3</sup> He claimed that, if the troops had taken a single life, terrible consequences would have resulted. No attempt was made to arrest any of the rioters and it was not until late afternoon that the mob dispersed.

No further rioting occurred, but the community continued to be dangerously excited. W.H. Ridley, a magistrate at Harbour Grace, on April 27th wrote to F.B.T. Carter, a prominent member of the Conservative party who had been elected by acclamation for the district of Trinity Bay:

We are in an awful state, there is no power in the country civil or military that can in the slightest manner allow liberty of action, or freedom of election; the state of public feeling here is so intense that rather than allow the second candidate to be returned to support Hoyles the whole town and the lives of the Protestants would be sacrificed by the Roman Catholic Party. . . . You cannot form an idea of the intensity of the feeling and the murderous intentions of the party whom no constitutional power can check, they are like madmen--Protestants are not safe either by day or night.<sup>4</sup>

Fearing that violence would again erupt, Moore withdrew his

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<sup>1</sup>Pinsent to Acting Colonial Secretary, April 29, 1861, enclosed in Bannerman to Newcastle, No. 47, July 3, 1861, C.O. 194/166.

<sup>2</sup>Ridley estimated the amount of damage at £2,000.

<sup>3</sup>Pinsent to Acting Colonial Secretary, April 29, 1861, loc. cit.

<sup>4</sup>Ridley to Carter, April 27, 1861, enclosed in Bannerman to Newcastle, No. 47, loc. cit.



nomination on April 29th, three days before voting was to begin. The returning officer for the district, instead of declaring Hayward and Prendergast elected, decided that it should be left to the Assembly to determine whether these candidates would be allowed to sit in the House.<sup>1</sup>

Slight disturbances occurred also in Carbonear. Fearing the outbreak of riots, three magistrates of the town on April 25th, requested military protection from Harbour Grace. Pinsent and Captain Hanrahan immediately went to Carbonear with twenty-one troops. Finding only a few drunken men in the streets and realizing that the presence of the troops was creating excitement, they returned at once to Harbour Grace.<sup>2</sup> On the following day, the former representative of the district, Edmund Hanrahan, a Roman Catholic Liberal, and Taylor, a Protestant Conservative, were nominated.<sup>3</sup> There was one brief clash between the rival parties, but no serious damage resulted. However, the excitement of the people and the tension between the opposing religious groups continued to mount. Increased threats of violence to his life and property induced Taylor to withdraw his nomination on April 27th. Hanrahan was declared elected.

The nomination of opposition candidates caused

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<sup>1</sup>Bannerman to Newcastle, No. 29, May 8, 1861, C.O. 194/165.

<sup>2</sup>Hanrahan to Grant, April 26, 1861, enclosed in Grant to Bannerman, April 28, 1861, Miscellaneous Papers and Despatches of the Governor's Office, 1861 Volume.

<sup>3</sup>Rorke, magistrate at Carbonear, to Robert Carter, May 7, 1861, enclosed in Bannerman to Newcastle, No. 47, loc. cit.



disturbances in St. John's, a Liberal stronghold with a large Roman Catholic majority. In St. John's West, where three candidates were to be elected, John Casey, Henry Renouf, and Thomas Talbot were nominated for the Liberals. Barron was nominated as an independent Roman Catholic candidate, and McLea, a Protestant merchant, represented the Conservatives.<sup>1</sup> Later in the day, a group of people, shouting in support of the Liberal candidates, gathered near McLea's business premises. The occupants of his store, either as the result of an attack or the fear of one,<sup>2</sup> opened fire on the crowd, wounding six or seven of them. Some Roman Catholic clergy arrived on the scene in time to prevent retaliation by the mob. Barron was unpopular with many of his co-religionists and McLea feared his life and property were in danger. Both withdrew from the contest before election day and the three Liberal members were declared elected.

In St. John's East, Archibald was nominated as an independent candidate in opposition to the Liberal coalition of John Kent, R.J. Parsons, and John Kavanagh. No disturbances occurred on either nomination or election day, partly because of the near certainty of a Liberal victory, and partly because on election day Bishop Mullock appealed to the Roman

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<sup>1</sup>Bannerman to Newcastle, No. 29, May 8, 1861, C.O. 194/165; and Public Ledger, April 30, 1861.

<sup>2</sup>Henry Winton, a supporter of the Conservative party, in A Chapter in the History of Newfoundland for the Year 1861, p. 11, claims that the mob invaded McLea's store. The Patriot, a Liberal newspaper, May 6, 1861, claims the Liberal supporters did no damage.



Catholic voters not to commit any violence.<sup>1</sup> The three Liberal candidates were elected, each gaining a majority of more than three to one over their Protestant opponent.<sup>2</sup>

The disturbances in Harbour Grace, Carbonear, and St. John's were the result of clashes between Roman Catholic Liberals and Protestant Conservatives. In these districts the party division was religious, although, as we noted, one or two Roman Catholics in Harbour Grace supported the Protestant candidates. In Harbour Main, where the most serious riots occurred, the contest was between four Roman Catholic Liberals. The contest of a district by four Liberals, only two of whom could be elected, was a sign of division within the Liberal party. G.J. Hogsett, Attorney General in the Kent Government, and his colleague, Charles Furey, had the support of the Roman Catholic clergy. Reverend Kyran Walsh, parish priest of Harbour Main, campaigned for their election.<sup>3</sup> Their opponents, Patrick Nowlan and Thomas Byrne, according to the statement of a Conservative newspaper, were opposed to clerical interference in politics.<sup>4</sup> Although unpopular in the community of Harbour Main, they had the support of the people in some of the neighbouring settlements. The Roman Catholic clergy may have supported the former candidates because Hogsett had backed the efforts of the Government to reform the system of

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<sup>1</sup>Patriot, May 6, 1861.

<sup>2</sup>Royal Gazette, May 7, 1861.

<sup>3</sup>Sworn evidence of Reverend Walsh, Journal of Assembly, 1861, Appendix, pp. 58-61.

<sup>4</sup>Public Ledger, May 17, 1861.



relief administration in January, 1861.<sup>1</sup> Nowlan, on the other hand, had led the opposition to that reform which Bishop Mullock had so earnestly desired.

The polling regulations ruled that people of Salmon Cove, known to be supporters of Hogsett and Furey, were to vote at Cat's Cove. The majority of people in Cat's Cove, although they were Roman Catholics, favoured Nowlan and Byrne. Believing violence would result from the inhabitants of Salmon Cove going to Cat's Cove to vote, Hogsett and Furey requested the Hoyles Government to allow the Salmon Cove electors to vote in Harbour Main.<sup>2</sup> Since Nowlan and Byrne would not agree to this change, Hoyles determined not to alter the polling regulations for the district.<sup>3</sup>

The people at Cat's Cove had threatened not to allow the Salmon Cove electors to vote there. Consequently, on election day about one hundred fifty supporters of Hogsett and Furey from Harbour Main accompanied the Salmon Cove voters to Cat's Cove.<sup>4</sup> Father Walsh, who accompanied the crowd, which included over thirty Salmon Cove voters, stated that it was unarmed and orderly. The Cat's Cove people, fearing riots would break out if the crowd entered their community, had blocked the road with fence rails and about fifty men, many of them with guns, stood ready to prevent their approach.<sup>5</sup>

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<sup>1</sup>See above, p. 54.

<sup>2</sup>Journal of Assembly, May 16, 1861.

<sup>3</sup>Bannerman to Mullock, May 16, 1861, enclosed in Bannerman to Newcastle, No. 30, May 16, 1861, C.O. 194/165.

<sup>4</sup>Sworn evidence of Reverend Walsh, loc. cit.

<sup>5</sup>Ibid.



At the request of Father Walsh, one of the Cat's Cove men promised that the Salmon Cove voters might enter the community if the rest of the crowd retired, but when these voters approached the road barrier some of the Cat's Cove men shot at them. George Furey of Harbour Main was killed and nine other members of the crowd injured, some of them seriously.<sup>1</sup> The crowd withdrew without inflicting any serious injury on the Cat's Cove men.

The Salmon Cove voters were thus prevented from casting their votes at Cat's Cove, the place legally appointed. Consequently, thirty-six of them, with the approval of the returning officer, had their votes registered at Harbour Main although this was illegal according to the election instructions.<sup>2</sup> If these thirty-six votes were omitted, Nowlan and Byrne had a majority; if they were included, Hogsett and Furey were the elected members. Disputes arose over whether the votes were legal.

An appeal was made to Governor Bannerman to send a military force to Harbour Main to protect the returning officer, Patrick Strapp.<sup>3</sup> Lieutenant Colonel Grant, commander of the St. John's garrison, along with Charles Simms, a competent magistrate, and a military contingent went at once to Harbour Main. Before they arrived, Strapp issued a certificate declaring that Hogsett and Furey had been elected.<sup>4</sup> He confessed

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<sup>1</sup>Ibid.      <sup>2</sup>Journal of Assembly, May 16, 1861.

<sup>3</sup>Bannerman to Newcastle, No. 29, May 8, 1861, C.O. 194/165.

<sup>4</sup>Journal of Assembly, 1861, Appendix, p. 122.



later that Hogsett had written the certificate and that he had been compelled to sign it "from threats made towards me that the lives of myself and family would be taken and my property destroyed if I did not do so."<sup>1</sup> He admitted that the omission of the thirty-six votes which had been taken in the wrong settlement gave a majority to Nowlan and Byrne. Instead of accepting the latter return, Hoyles decided that the Assembly should determine who would represent Harbour Main. This decision was communicated to the Harbour Main candidates shortly before the opening of the Legislature.<sup>2</sup> Hogsett and Furey, as we shall see, refused to accept this decision.

The election results indicated that the Conservatives would form the Government. Fourteen Conservatives were elected against twelve Liberals.<sup>3</sup> Bannerman regarded the Conservative victory as a vote of confidence in his dismissal of the Kent Government. He informed the Secretary of State for the Colonies that the Conservatives had a majority of three members which would have increased to eight<sup>4</sup> had candidates been elected for Harbour Grace and Harbour Main.<sup>5</sup> The absence from the colony

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<sup>1</sup>Ibid., p. 133.

<sup>2</sup>Carter to Hogsett and Furey, Nowlan and Byrne, May 10, 1861, Correspondence of the Colonial Secretary Relating Chiefly to Election Procedures and Legislative Business, 1856-90.

<sup>3</sup>See Appendix A.

<sup>4</sup>Such a computation is numerically impossible since there were only four members for the two districts.

<sup>5</sup>Bannerman to Newcastle, No. 29, loc. cit.



of Ambrose Shea,<sup>1</sup> one of the Liberal representatives from Placentia and St. Mary's, must have induced the Governor to state that the Conservatives had a majority of three. The remainder of his statement was incorrect since both pairs of candidates for Harbour Main were Liberals.<sup>2</sup>

The Conservatives had appealed to the lowest sectarian emotions and had fought the election as a purely Protestant-Roman Catholic contest,<sup>3</sup> but they gained their victory largely by Liberal default. There is no explanation why the Liberals had not contested Burin. E.D. Shea, a member of the former Executive Council, expressed surprise and was unable to account for the return of two Conservatives for Burin without opposition.<sup>4</sup> The bitter contest between the Liberals in Harbour Main was a further sign of Liberal disorganization and division. The Liberals themselves disagreed over the cause of the Harbour Main riots. E.D. Shea, in an editorial in the Newfoundlander, admitted that the Hoyles Government had no connection with them.<sup>5</sup> Bishop Mullock, on the other hand, placed the blame for the riots on Hoyles because of his refusal to alter the polling booths.<sup>6</sup> There was, however, a general belief among the Liberals that Hogsett and Furey were entitled

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<sup>1</sup>Patriot, May 6, 1861.

<sup>2</sup>Newfoundlander, May 6, 1861.

<sup>3</sup>Public Ledger, April 30, 1861.

<sup>4</sup>Newfoundlander, May 6, 1861.      <sup>5</sup>Ibid.

<sup>6</sup>Bannerman to Newcastle, No. 30, May 16, 1861,  
C.O. 194/165.



to sit in the Assembly.<sup>1</sup> The Liberals regarded the disfranchising of Harbour Main and Harbour Grace as a move by Hoyles to ensure a Conservative majority in the Assembly.<sup>2</sup> Had a return been made for these districts they believed that they would have won them and would have been able to form the Government.

Even before the general election Governor Bannerman and Bishop Mullock were in serious disagreement. A report of an attack on Roman Catholic persons and property by a Protestant mob in Spaniard's Bay aroused the indignation of Bishop Mullock. He informed the Governor that he feared "a war of extermination" had begun against the Roman Catholics of the colony.<sup>3</sup> If it continued he warned that the Roman Catholic clergy might not be able to restrain their people from retaliating. Bannerman considered the report of the outrages as a ruse to get him to transfer the troops from Harbour Grace to Spaniard's Bay.<sup>4</sup> He increased the Bishop's indignation by charging that the Roman Catholic clergy used their influence to preserve the peace of the colony only after emotions had been aroused.<sup>5</sup> Bannerman claimed that they never tried to prevent their people from becoming dangerously excited. Bishop

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<sup>1</sup>Newfoundlander, May 13, 1861.

<sup>2</sup>Proceedings of Assembly, May 13, 1861, Newfoundlander, May 20, 1861.

<sup>3</sup>Mullock to Bannerman, April 29, 1861, Public Ledger, May 14, 1861.

<sup>4</sup>Note of Bannerman on alleged outrages in Spaniard's Bay, May 20, 1861, C.O. 194/165, p. 293.

<sup>5</sup>Bannerman to Mullock, April 29, 1861, Public Ledger, May 14, 1861.



Mullock promptly denied these charges against his clergy. Any riots which were caused by religious dissension, he declared, did not result from the actions of Roman Catholics. Instead, he placed the blame on the Protestants:

Every insult that a ruffian press . . . could heap on them [Roman Catholics] and their religion, every calumny that malice could invent were daily disseminated among an excited people. Continued appeals to the Protestants to arm themselves with revolvers . . . appeals to the most ignorant portion of the Protestant population to take the law into their own hands . . . all this going on for months . . . has at length produced the fruit to be expected from it. Add to this a general belief among Catholics, disseminated I know not how, but which I always endeavoured to combat,<sup>1</sup> that the authorities were in direct opposition to everything Catholic, and that every effort would be made to deprive Catholics . . .<sup>2</sup> of the rights guaranteed them by Responsible Government.

Although the Protestant mob at Spaniard's Bay had inflicted no damage,<sup>3</sup> the publication of this correspondence in the Record, (which Bannerman claimed to be Bishop Mullock's newspaper) two days before the opening of the Assembly,<sup>4</sup> aroused further antagonism between Roman Catholics and Protestants. It was in this atmosphere of tension and public excitement that the Legislature opened on May 13th.

Hogsett and Furey, although they had not been declared elected nor sworn in as members of the Assembly, seated themselves in the House when it opened. Hoyles requested the two

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<sup>1</sup>This seems to conflict with the Bishop's earlier statement. See above, pp. 77-78.

<sup>2</sup>Mullock to Bannerman, April 30, 1861, Public Ledger, May 14, 1861.

<sup>3</sup>Gosse and Sheppard to Bannerman, May 13, 1861, C.O. 194/165, p. 392.

<sup>4</sup>Note of Bannerman on alleged outrages in Spaniard's Bay, loc. cit.



men to withdraw. Hogsett refused and was evicted from the Assembly by the police.<sup>1</sup> The ejection of these two Roman Catholic Liberals aroused the feelings of a crowd of about two thousand Liberal supporters, gathered outside the Colonial Building,<sup>2</sup> in which both Houses of the Legislature were sitting. Although a strong military guard was present, the crowd attempted, but without success, to force its way into the Building. Nor did they hesitate to jeer at Bannerman as he returned to Government House. Attacks were made on some Conservatives as they attempted to return to their homes. The remainder of the Government supporters were escorted to their homes by a military guard.<sup>3</sup>

The mob, which gradually dispersed from around the Colonial Building, began to gather late in the afternoon on Water Street, the business section and main street of St. John's. Accompanied by Hogsett, they damaged the premises of two Roman Catholic businessmen who were relatives of Nowlan,<sup>4</sup> one of the candidates for Harbour Main. The magistrates, learning of this destruction of property, requested Lieutenant Colonel Grant to send troops to Water Street to prevent further depredations. The calling out of the troops increased the fury of the crowd and caused more people to congregate. Grant estimated that there was a mob of more than two thousand people in Water Street when he arrived there, shortly after

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<sup>1</sup>Journal of Assembly, May 13, 1861.

<sup>2</sup>Winton, op. cit., p. 12.      <sup>3</sup>Ibid., p. 13.

<sup>4</sup>Bannerman to Newcastle, Separate, May 17, 1861, C.O. 194/165.



the troops.<sup>1</sup> The soldiers, probably regarded as an instrument of repression by the mob, became the main object of their anger. For about an hour, Grant, the magistrates, and the Roman Catholic clergy tried, without success, to persuade the mob to disperse.<sup>2</sup> As night approached, the mob became more turbulent. One man, stated to have been intoxicated, attempted to knock Grant from his horse. His arrest further angered the mob and they stoned the soldiers with renewed vigour.<sup>3</sup> Grant decided that, to ensure the safety of the troops, a crowd gathering above them on Church Hill had to be dispersed. He ordered a force of eighty-four men under Adjutant Arthur Quill to move up the hill.<sup>4</sup> Quill later testified that he "kept exhorting the men to steadiness under the volleys of stones, which struck, not only almost every man of the leading section, but individuals in every section of the column," and that he "noticed several men of the troops bleeding profusely from severe head-wounds."<sup>5</sup> When a gun was fired by somebody in the mob, the leading section of fourteen men, believing they had heard the order from Grant,<sup>6</sup> opened fire.<sup>7</sup>

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<sup>1</sup> Sworn evidence of Grant, May 15, 1861, enclosed in Bannerman to Newcastle, No. 45, July 2, 1861, C.O. 194/166.

<sup>2</sup> Ibid.      <sup>3</sup> Ibid.

<sup>4</sup> Sworn evidence of Quill, May 16, 1861, enclosed in Bannerman to Newcastle, No. 45, Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Grant testified that he did not order the troops to open fire.

<sup>7</sup> Sworn evidence of Serjeant Mawhinney, May 18, 1861, enclosed in Bannerman to Newcastle, No. 45, loc. cit.



When the firing ceased about a minute later, three of the mob were fatally wounded and a number of others seriously injured. Among the latter was Father Jeremiah O'Donnell, one of the Roman Catholic clergymen who had been working fervently to keep the mob peaceful.<sup>1</sup>

Fearing that the mob would quickly reassemble and try to avenge themselves on the troops, Judge Little and the Roman Catholic clergymen implored Grant to withdraw the troops to the barracks.<sup>2</sup> Little and the clergymen promised to be responsible for the peace of the town and assured Grant that they would have the support of Bishop Mullock. Although the troops were stoned as they retired to the garrison, none of them was seriously injured. Some of the troops while marching to the barracks again shot at the crowd. They had acted without orders and at least one of them was punished for breach of discipline.<sup>3</sup>

The ringing of the bells of the Roman Catholic Cathedral caused the people to disperse from the neighbourhood of Water Street and proceed to their church.<sup>4</sup> There, Bishop Mullock implored about five thousand to be calm and to return peacefully to their homes. His task was not an easy one. A contemporary source states that not until the Bishop "produced the

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<sup>1</sup>Bannerman to Newcastle, Separate, May 17, 1861, C.O. 194/165.

<sup>2</sup>Sworn evidence of Bennett, stipendiary magistrate, May 15, 1861, enclosed in Bannerman to Newcastle, No. 45, loc. cit.

<sup>3</sup>Sworn evidence of Grant, May 15, 1861, loc. cit.

<sup>4</sup>Bannerman to Newcastle, Separate, loc. cit.



chalice containing the sacred host, and adjured the excited thousands by this holiest symbol of their faith, did he prevail to exact a muttered pledge that they would return in peace and order to their habitations."<sup>1</sup> His efforts were successful and except for the burning of some property belonging to Judge Robinson, a Protestant, the night passed without disturbance.<sup>2</sup>

During the following day excitement and tension prevailed in St. John's. Threats were made against the property and persons of those obnoxious to the Liberal supporters.<sup>3</sup> Bishop Mullock visited Governor Bannerman and informed him that he had heard that riots were planned for the coming night. The Bishop stated that ten thousand men in St. John's were armed with sealing guns and that "the town might be destroyed and plundered," but promised that, if the troops were not called out again, he and his clergy would do all in their power to keep the people quiet.<sup>4</sup> Bannerman, realizing that the Bishop had prevented disaster on the previous night, promised to use his influence to keep the troops in the barracks. Once again the Bishop's efforts were successful and no disturbances took place. On the following night, the summer cottage of Hoyles was destroyed by fire,<sup>5</sup> but that was the last of the disturbances in St. John's.

Governor Bannerman believed that the mob, which had

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<sup>1</sup>Winton, op. cit., p. 15.

<sup>2</sup>Bannerman to Newcastle, Separate, Loc. cit.

<sup>3</sup>Ibid.      <sup>4</sup>Ibid.      <sup>5</sup>Ibid.



gathered in support of Hogsett and Furey at the opening of the Legislature, had assembled in an attempt to frighten him and to induce the Hoyles Government to resign.<sup>1</sup> Bannerman was as determined to prevent this as he was to restore order. Following the riots he wired Halifax for military reinforcements.<sup>2</sup> A week later a detachment of two hundred men of the 62nd Regiment arrived in St. John's.<sup>3</sup> Newcastle, who had previously reminded Bannerman that the British Government did not keep military forces in St. John's to quell civil disturbances,<sup>4</sup> was not pleased to learn of the arrival of the troops from Halifax. He instructed Bannerman that unless the Newfoundland Government would pay their expenses, they must return at once.<sup>5</sup> Half of the detachment was promptly sent back to Halifax.

In Conception Bay, disturbances continued. On May 18th, a mob in Harbour Main destroyed the house and other property of Patrick Strapp, the returning officer, because he had admitted that Hogsett and Furey had not been legally elected. Bannerman commented that by this act, Strapp's fellow Roman Catholics carried out a threat made during the election that

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<sup>1</sup>Ibid.

<sup>2</sup>Bannerman to Newcastle, Separate, May 16, 1861, C.O. 194/165.

<sup>3</sup>Bannerman to Newcastle, No. 37, June 4, 1861, C.O. 194/165.

<sup>4</sup>Newcastle to Bannerman, No. 15, February 23, 1860, Despatches from Colonial Office, 1860 Volume.

<sup>5</sup>Newcastle to Bannerman, No. 96, May 31, 1861, Despatches from Colonial Office, 1861 Volume.



"if he did not return the Bishop's nominees, Hogsett and Furey--his property would be destroyed."<sup>1</sup> As soon as Bannerman learned of the property destruction he despatched fifty of the troops, who had just arrived from Halifax, to arrest the ringleaders of the riot.<sup>2</sup> Five of them were brought to St. John's by the troops. A feeling of insecurity and tension still existed in Harbour Grace. The Protestants felt their lives and property were in danger and applied to the Government to send a military force,<sup>3</sup> the detachment placed there during the election period having been withdrawn. On the request of the Government, Her Majesty's ship, Hydra, which happened to be in St. John's at the time, departed for Harbour Grace. The appearance of the Hydra, combined with the strengthening of the town's police force, were sufficient to restore law and order. *✓*

The opposing parties held completely different opinions on the riots. The Liberals maintained that Hogsett and Furey should not have been evicted from the Assembly.<sup>4</sup> Hoyles, however, was convinced that because they had forcibly entered the Assembly, and had no legal right to sit there, he had no alternative but to order their removal. Both he and Bannerman realized that the ensuing riots had resulted from that action.<sup>5</sup>

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<sup>1</sup>Bannerman to Newcastle, No. 37, loc. cit.      <sup>2</sup>Ibid.

<sup>3</sup>Minutes of Executive Council, 1855-61, May 14, 1861.

<sup>4</sup>Journal of Assembly, May 13, 1861.

<sup>5</sup>Bannerman to Newcastle, No. 45, July 2, 1861, C.O. 194/166.



Although the military forces had been called out on May 13th, upon the request of the civil authorities, one of the Liberal newspapers suggested that the disturbances which had occurred prior to their appearance did not warrant the use of troops.<sup>1</sup> This idea was expressed more forcefully by a Roman Catholic priest during the inquest when he testified that in his opinion "if the troops had remained in barracks, no ten pounds' worth of property would have been damaged or destroyed after the Priests had arrived on the scene of destruction--no life would have been lost and the peace of the town would have been preserved."<sup>2</sup> Bannerman and the Conservatives were convinced that the disturbances which had taken place warranted calling out the troops. They believed that the troops had behaved with forbearance and fortitude. Bishop Mullock and some Liberals, on the other hand, condemned the troops for massacring the people.<sup>3</sup> Although the Governor and the Protestants of St. John's were grateful to the Bishop for quelling the mob, they claimed that the riots might have been prevented had he used his influence earlier in the evening.<sup>4</sup>

The subsequent inquiry into the St. John's riots did not dispel these differences. Bishop Mullock, apparently not having received a full report of the investigations, declared

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<sup>1</sup>Record, May 18, 1861, enclosed in Bannerman to Newcastle, Private, July 3, 1861, C.O. 194/166.

<sup>2</sup>Sworn evidence of Reverend Vereker, May 18, 1861, enclosed in Bannerman to Newcastle, No. 45, loc. cit.

<sup>3</sup>Bannerman to Mullock, June 25, 1861, enclosed in Bannerman to Newcastle, Private, June 28, 1861, C.O. 194/165.

<sup>4</sup>Public Ledger, May 17, 1861.



that the inquiry had not been conducted impartially.<sup>1</sup> A report by Hoyles, the Attorney General, on the method used in conducting the inquiry indicates that the Bishop's charge of partiality in the proceedings was unjustified.<sup>2</sup> Newcastle, after receiving the evidence taken at the inquiry, expressed the belief that it had been conducted with perfect fairness.<sup>3</sup> He praised the troops for the forbearance which he believed they had shown during the riots. Newcastle did not object to the use of the military forces on any occasion on which they had been employed, but immediately after the riots he had reminded Bannerman that they were not in the colony "for the purpose of quelling civil tumults arising out of the excesses of party spirit and religious rancour."<sup>4</sup> He repeatedly stressed the need for an efficient police force to prevent civil disturbances.

Different views were held on the Harbour Grace riots. The Public Ledger, one of the more important Conservative newspapers, reported that "in Harbour Grace, when 400 ruffians came from Carbonear armed with bludgeons, before they joined the mob, they knelt down in front of the Catholic Chapel, and Bishop Dalton came out and pronounced a benediction upon them;

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<sup>1</sup>Mullock to Bannerman, June 24, 1861, enclosed in Bannerman to Newcastle, Private, June 28, 1861, loc. cit.

<sup>2</sup>Hoyles to Bannerman, July 1, 1861, enclosed in Bannerman to Newcastle, No. 45, loc. cit.

<sup>3</sup>Newcastle to Bannerman, No. 118, September 3, 1861, C.O. 194/166, p. 77.

<sup>4</sup>Newcastle to Bannerman, No. 96, May 31, 1861, Despatches from Colonial Office, 1861 Volume.



then pickets in hand they rushed to the fight."<sup>1</sup> Although Bishop Dalton denied this charge as being absolutely untrue,<sup>2</sup> Governor Bannerman continued to believe that the Bishop had blessed the Carbonear mob on nomination day.<sup>3</sup> The Government believed that R.J. Pinsent, stipendiary magistrate of Harbour Grace, had neglected his duty by permitting violent attacks on persons and property during nomination day.<sup>4</sup> The Liberal Opposition, on the other hand, was grateful that he had not ordered the troops to fire on the mob.<sup>5</sup> To ensure that the civil authorities would take a firm policy in any new outbreak, the Government sent Joseph Peters to Harbour Grace to share with Pinsent the magisterial duties. Pinsent, claiming that he had discharged his duty wisely and faithfully, refused to co-operate with him. The Governor, convinced that Pinsent had not performed his duty during the riots, and acting on the advice of his Executive Council, suspended him from office.<sup>6</sup> Pinsent protested against his suspension. The Executive Council, after conducting a lengthy inquiry, adhered to the original decision.<sup>7</sup>

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<sup>1</sup>Public Ledger, May 24, 1861.

<sup>2</sup>Dalton to Editor of Public Ledger, May 31, 1861, Public Ledger, May 31 1861.

<sup>3</sup>Bannerman to Newcastle, No. 53, July 18, 1861, C.O. 194/166.

<sup>4</sup>Minutes of Executive Council, 1855-61, May 7, 1861.

<sup>5</sup>Journal of Assembly, June 3, 1861.

<sup>6</sup>Bannerman to Newcastle, No. 49, July 15, 1861, C.O. 194/166.

<sup>7</sup>Minutes of Executive Council, 1855-61, July 19, 1861.



Shortly after the opening of the Assembly, a petition was addressed to it by some of the voters of Harbour Grace, requesting that Hayward and Prendergast be declared duly elected for the district.<sup>1</sup> Later other Harbour Grace electors petitioned that, unless a deferred election were held, Moore and Hayward ~~be~~ declared elected.<sup>2</sup> Although a select committee of the Assembly was appointed to inquire into Harbour Grace representation, it submitted no report. Thus no decision was made by the Assembly. In July, Bannerman informed Newcastle that Harbour Grace "is at present virtually disfranchised and the Attorney General has not, as yet, determined on the course which the Government should adopt, as an Election there just now without the presence of the military would be most inadvisable."<sup>3</sup>

The Assembly did, however, reach a decision on the Harbour Main election dispute. Both pairs of candidates sent petitions to the Assembly requesting that they be allowed to represent the district.<sup>4</sup> A select committee was appointed to inquire into the dispute. After examining a large number of witnesses the committee filed its report.<sup>5</sup> The five Conservative members of the committee concluded that Nowlan and Byrne had a majority of legal votes and that they should therefore be

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<sup>1</sup>Journal of Assembly, May 21, 1861.

<sup>2</sup>Ibid., June 14, 1861.

<sup>3</sup>Bannerman to Newcastle, Private, July 3, 1861, C.O. 194/166.

<sup>4</sup>Journal of Assembly, May 16, 1861.

<sup>5</sup>Ibid., June 25, 1861.



declared elected. Flood and McGrath, Liberal members of the committee, dissented from this conclusion. Flood maintained that either Hogsett and Furey should be seated, or the election declared null and void. McGrath believed that there had been intimidation by the supporters of both pairs of candidates and that a new election should be held. The Assembly accepted the majority report.

Although Nowlan and Byrne were expected to sit with the Liberals in the Assembly, many members of the party were disappointed by the committee's decision.<sup>1</sup> Nowlan and Byrne were not likely to be the staunch advocates of the Liberal cause that Hogsett and Furey, the candidates who had been supported by the clergy, would have been. Nowlan, as we have noted, had led the resistance to the efforts of the Liberal Government to reform the poor relief system.<sup>2</sup> Thomas Glen, Liberal member for Ferryland, claimed that Byrne held a government office and that this would prevent him from voting against the Conservatives.<sup>3</sup> The party allegiance of these two members was not tested during the 1861 session as the Governor prorogued the Legislature the day after they took their seats. In subsequent sessions, Nowlan and Byrne generally voted with the Liberals.

Dissension in the community persisted, although impartial inquiries had been made into the riots. Governor Bannerman and

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<sup>1</sup>Proceedings of Assembly, June 25, 1861, Newfoundlander, July 18, 1861.

<sup>2</sup>See above, p. 53.

<sup>3</sup>Proceedings of Assembly, loc. cit.



Bishop Mullock continued in disagreement. The local press continued to play an important part in the disputes. The Public Ledger, the Newfoundland Express, and the Daily News strongly supported Bannerman and Hoyles and condemned the Bishop and the Liberals for the civil strife. The Newfoundlander and the Patriot denounced the Conservatives and defended Bishop Mullock. The Record was especially outspoken in its condemnation of Governor Bannerman, whom it blamed for all the disorders.<sup>1</sup>

The Governor's opponents decided to petition for his removal from the colony. Two public meetings which were held to get support for the petition ended in failure--according to Conservative reports, not more than twenty people attended either meeting.<sup>2</sup> The petition was placed for signing at the entrance gates to the Roman Catholic Cathedral in St. John's on two successive Sundays.<sup>3</sup> After being signed by about eight thousand people, including the two Roman Catholic Bishops in the colony, copies of the petition were sent to the Queen and the Imperial Parliament.<sup>4</sup>

The petition blamed Bannerman for the riots and civil strife which had taken place in the colony. It claimed that he had betrayed the constitution both by appointing a minority

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<sup>1</sup>Record, September 14, 1861, enclosed in Bannerman to Blackwood, Private, September 25, 1861, C.O. 194/166.

<sup>2</sup>Winton, op. cit., p. 19.

<sup>3</sup>Bannerman to Newcastle, Confidential, July 31, 1861, C.O. 194/166.

<sup>4</sup>Printed copy enclosed in Bannerman to Newcastle, Confidential, August 13, 1861, C.O. 194/166.



Government and by conniving with Hoyles to disfranchise Harbour Grace and Harbour Main in the recent general election. It charged that Bannerman had co-operated with the Conservatives to institute a "Reign of Terror, Tyranny and Fraud."<sup>1</sup> The petition maintained that "in consequence of the maladministration of the Government of the Colony by Sir Alexander Bannerman, and of his total disregard of the constitutional rights and privileges of the people, and of his gross partisanship with a few of the Mercantile body . . . he has rendered himself personally obnoxious to a large class of the People of Newfoundland."<sup>2</sup> It urged that he be removed and the present Assembly dissolved.

Bannerman regarded the petition as a series of lies from beginning to end.<sup>3</sup> Moreover, he was convinced that only a few of the Roman Catholic priesthood, and not the entire Roman Catholic population, desired his removal and the dissolution of the Assembly.<sup>4</sup> This seems to have been true. Although there were more than fifty-five thousand Roman Catholics,<sup>5</sup> about half of whom were adults, only eight thousand had signed the petition. Only three members of the Assembly, Thomas Talbot, R.J. Parsons, and Thomas Glen had signed it.<sup>6</sup>

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Bannerman to Newcastle, Confidential, July 31, 1861, loc. cit.

<sup>4</sup>Bannerman to Newcastle, Confidential, August 13, 1861, loc. cit.

<sup>5</sup>See Appendix D.

<sup>6</sup>Bannerman to Newcastle, Confidential, August 13, 1861, loc. cit.



Bannerman believed, probably with justification, that many of the more prominent Roman Catholics disapproved of Bishop Mullock's opposition to the dismissal of the Kent Government and of his public letters which had only increased sectarian tension. Throughout all the political and religious dissension Roman Catholic Lawrence O'Brien remained President of the Legislative Council and a member of the Hoyles Government. Likewise, Sir Francis Brady, the Chief Justice, also a Roman Catholic, received praise for his impartial decisions on the various legal trials resulting from the riots.<sup>1</sup> In a despatch to Newcastle in July, Bannerman claimed that many of the more respectable Roman Catholics "greatly depreciate the course which their Bishop has been taking for the last four or five months."<sup>2</sup>

Since it was known that the Imperial Parliament would be prorogued before the petition would reach England, Bannerman was convinced that it had been raised chiefly to stimulate continued agitation in Newfoundland, and to be circulated in other countries. He believed it was especially intended for Ireland "to show that Newfoundland is a nest of Orangeism . . . and they are determined to put down all Roman Catholics."<sup>3</sup> Although there was no Orange Society in the colony, there were frequent charges emanating from the Record that Bannerman and

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<sup>1</sup>Bannerman to Newcastle, Confidential, August 14, 1861, C.O. 194/166.

<sup>2</sup>Bannerman to Newcastle, Confidential, July 31, 1861, loc. cit.

<sup>3</sup>Ibid.



Hoyles were part of an Orange faction organized to oppose Roman Catholics.<sup>1</sup> Bannerman claimed that these charges, like the petition against him, were especially designed to increase anti-British sentiments in Ireland.

The petition against Bannerman, as he had expected,<sup>2</sup> agitated the local press. The Public Ledger called the petition a lying document, and charged that Newfoundland had never had self-government because the Liberals had been responsible only to the Roman Catholic clergy.<sup>3</sup> The Record was violent in its attacks on Bannerman and the Hoyles Government. It claimed that Bannerman had placed judicial, military, and executive power in the hands of the Protestant high church party; that the Government ruled Roman Catholics with an iron rod; and that it permitted murder and bloodshed to go unpunished.<sup>4</sup> The Record later charged that the Governor's tyrannical and unconstitutional behaviour was a part of general British policy.<sup>5</sup> It warned Newcastle that unless he authorized a speedy investigation into Bannerman's activities, "some fine morning he will find that Her Majesty has Lost the Key of the St. Lawrence."<sup>6</sup>

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<sup>1</sup>Bannerman to Newcastle, Private, July 3, 1861, C.O. 194/166.

<sup>2</sup>Bannerman to Newcastle, Confidential, August 13, 1861, C.O. 194/166.

<sup>3</sup>Public Ledger, August 2, 1861.

<sup>4</sup>Bannerman to Newcastle, Confidential, August 14, 1861, loc. cit.

<sup>5</sup>Bannerman to Blackwood, Private, September 25, 1861, C.O. 194/166.

<sup>6</sup>Bannerman to Newcastle, Confidential, August 14, 1861, loc. cit.



Bannerman believed that Bishop Mullock wished to see the power of Britian reduced by her becoming involved in a war with France or the United States,<sup>1</sup> and this must have further intensified his distrust of the Bishop. Bannerman now regarded the struggle in the colony as one to determine whether the Queen, through her representative, should govern Newfoundland or whether it should be ruled, as Hoyles had stated, by "a purely Romish despotism, masked by nominally free institutions."<sup>2</sup> Bannerman was determined to maintain law and order and, as he later informed Newcastle, to prevent the influence of the Roman Catholic Bishops from predominating over the civil government of Newfoundland.<sup>3</sup>

The Imperial Government did not grant the petition for Bannerman's removal. Newcastle opposed, also, the holding of a Parliamentary inquiry into Bannerman's behaviour, although he recommended that a public investigation might be held in Newfoundland if the Liberals demanded it.<sup>4</sup> He was becoming tired of receiving complaints from Bannerman on the disordered state of Newfoundland. On one of the Governor's despatches telling of treasonable attacks made on him by the Bishop's press, Newcastle wrote:

This is one of Sir Alexander Bannerman's periodical laments. There is nothing to be done upon it from hence.

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<sup>1</sup>Ibid.

<sup>2</sup>Bannerman to Newcastle, Confidential, August 28, 1861, C.O. 194/166.

<sup>3</sup>Bannerman to Newcastle, No. 64, November 19, 1862, C.O. 194/168.

<sup>4</sup>Newcastle to Bannerman, Confidential, August 29, 1861, C.O. 194/166, pp. 258-60.



Local officers must keep the peace, not the Secretary of State.<sup>1</sup>

Newcastle refused, also, urgent requests which had been made by Bannerman for a permanent increase in the size of the St. John's garrison. There were only one hundred fifty-eight soldiers in the Royal Newfoundland Company,<sup>2</sup> and in a despatch to Newcastle in July, Bannerman had urged that the number should be raised to at least three hundred.<sup>3</sup> Later he had declared that, for a time at least, there should be not less than four or five hundred men in the St. John's garrison.<sup>4</sup> In reply to Bannerman's first request, Newcastle expressed regret that rioting accompanied the working of responsible government in Newfoundland, but again reminded him that these disturbances must be controlled by a police force, and not Imperial troops.<sup>5</sup> No permanent increase in the garrison was made during 1861.

Despite the continuing public excitement the Government decided to hold the deferred Harbour Grace election in November. Hoyles, in a letter to Bannerman, stated that "the question to be determined at Harbour Grace . . . is one between law and order and the constituted authorities, on one side, and

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<sup>1</sup>Minute of Newcastle, C.O. 194/166, p. 287.

<sup>2</sup>Bannerman to Newcastle, No. 63, September 10, 1861, C.O. 194/166.

<sup>3</sup>Bannerman to Newcastle, No. 47, July 3, 1861, C.O. 194/166.

<sup>4</sup>Bannerman to Newcastle, Confidential, August 14, 1861, C.O. 194/166.

<sup>5</sup>Newcastle to Bannerman, No. 112, August 12, 1861, C.O. 194/166, pp. 141-43.



the will of Bishop Dalton, operating through an ignorant, but fanatical mob . . . to prevent by violence and intimidation the free exercise of the rights of the electors of Harbour Grace on the other."<sup>1</sup> The election of one Liberal, as Hoyles reminded Bannerman, would be serious for the Government since the parties in the Assembly would then be equally divided. Hoyles was convinced that if the Conservatives had a majority of even one member, some of the Liberals might support the Government. He realized that because of the sectarian bitterness no Roman Catholic would dare to desert his party and give the Conservatives a majority.<sup>2</sup> The result of the Harbour Grace election was thus of vital concern to both parties. The chance of Liberal victory was reduced, however, by the admission that the party was disorganized and divided. R.J. Parsons, Liberal member for St. John's East, confessed in an editorial in October that many Liberals had little confidence in Kent and stressed that the party must be better organized and that "the Leader, whoever he may be, must take the whole party for his guide and refrain from destroying them by his impetuosity and imprudence."<sup>3</sup>

Fearing that violence would again erupt during the election, the magistrates and the prominent inhabitants of Harbour Grace appealed to the Governor for military protection.<sup>4</sup>

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<sup>1</sup>Hoyles to Bannerman, August 26, 1861, enclosed in Bannerman to Newcastle, Confidential, August 28, 1861, C.O. 194/166.

<sup>2</sup>Ibid.      <sup>3</sup>Patriot, October 18, 1861.

<sup>4</sup>Minutes of Executive Council, 1861-69, October 26, 1861.



Rioting seemed almost inevitable. Even the suggestion that troops might be sent to Harbour Grace aroused the ire of the Record, which wrote:

The first moment he [Bannerman] moved a body of troops against the constitutional independence of the people --that moment a civil war was proclaimed, his allegiance to the Crown became forfeited, he stood before the Country a traitor to his Sovereign; and as a traitor he should have to be dealt with by the people. Repeat this experiment . . . Try it Sir Alexander--if you dare.<sup>1</sup>

Bannerman regarded this threat as treasonable, and was particularly concerned over it since he believed it was written with the compliance of Bishop Mullock.<sup>2</sup> The Government was determined to prevent election riots and decided to send a military and naval force to Harbour Grace.

Fortunately for the peace of the colony, Bishop Mullock issued a pastoral letter to his people, appealing to them to obey the laws of the colony.<sup>3</sup> He emphasized that those who committed unlawful attacks on persons or property not only injured their own souls and ruined their families, but also brought discredit to their church. The Bishop implored his people to avoid all quarrels and rioting and to shun drunkenness, which he believed was the cause of much of the evil in the colony. In a letter to Bannerman, the Bishop denied that he had any special connection with the Record, and declared that he had not seen the editorial which dared Bannerman to

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<sup>1</sup>Quoted in Bannerman to Peters, and people of Harbour Grace, November 4, 1861, Royal Gazette, November 5, 1861.

<sup>2</sup>Bannerman to Peters, Ibid.

<sup>3</sup>Enclosed in Bannerman to Newcastle, No. 77, November 19, 1861, C.O. 194/166.



send troops to Harbour Grace until the paper was published.<sup>1</sup> The Governor, while he was well pleased with the pacific tone of the Bishop's pastoral message, regretted that it had not been issued immediately following the dismissal of the Kent Government.<sup>2</sup>

The influence of Bishop Mullock's letter, combined with the presence of a military and naval force, were sufficient to deter rioting and disorders in Harbour Grace on November 20th, the day of the election. The two Protestant candidates, Moore and Hayward, were elected by large majorities.<sup>3</sup> Although Bishop Dalton instructed his parishioners to return a member of their own religion,<sup>4</sup> Prendergast secured less than half the votes polled by each of his Protestant opponents. Hayward, who had formerly supported the Liberals, switched his allegiance to the Conservatives and continued as Solicitor General, an office he had held during the Kent administration. The election thus assured the Conservatives a majority of two members in the Assembly.

The success of the Government in preventing election riots was an important achievement. For the first time in three years the people of Harbour Grace had felt free to vote without danger to their life or property. The number of votes

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<sup>1</sup>Mullock to Bannerman, November 9, 1861, enclosed in Bannerman to Newcastle, Ibid.

<sup>2</sup>Bannerman to Newcastle, Ibid.

<sup>3</sup>Bannerman to Newcastle, No. 81, December 3, 1861, C.O. 194/166.

<sup>4</sup>Captain Mesham to Grant, November 18, 1861, enclosed in Bannerman to Newcastle, Ibid.



cast verified Bannerman's claim that previously many of the electors had failed to vote as a result of coercion.<sup>1</sup> In the general election of 1859 only 482 people voted, while in the present election 1325 votes were cast.<sup>2</sup> Troops were sent to Harbour Grace as a preventive measure during subsequent elections, but no serious disturbances took place there, or in any other district of the colony during the remainder of the 1860's.

Bishop Mullock's pastoral letter of November marked the beginning of the end of the conflict between him and Governor Bannerman.<sup>3</sup> In a letter to his clergy early in January, 1862, the Bishop instructed them to use every means in their power to prevent breaches of the peace and to announce to "the people that the sentence of Excommunication is hereby pronounced against any person using firearms with the unlawful intention of killing or wounding."<sup>4</sup> The seriousness of the election riots of 1861 apparently convinced both Bishop Mullock and Bishop Feild that they must hold aloof from political struggles if peace were to be preserved in the colony. From this time, they expressed fewer and less strong opinions on political matters. [Indeed, this election seemed to mark the end of outright and widespread clerical activity in politics

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<sup>1</sup>Bannerman to Milne, November 27, 1861, Minutes of Executive Council, 1861-69, November 30, 1861.

<sup>2</sup>See Appendix C.

<sup>3</sup>Another brief clash occurred between them in February, 1862, when Bannerman released the men who had been convicted of responsibility for the shooting in Cat's Cove on election day. The rejoicing in Cat's Cove over Bannerman's action led the Bishop to excommunicate the community for one year.

<sup>4</sup>Enclosed in Bannerman to Newcastle, Confidential, February 28, 1862, C.O. 194/168.



in Newfoundland.)

The election of 1861 demonstrated the danger to the peace of the colony of having the two political parties based so closely on religious affiliation. The Liberals had realized this danger and had tried to overcome it by including Protestants in the Government. Their party, however, had remained predominantly Roman Catholic. The Conservatives now resolved to adopt the policy first practised by the Liberals. Before the dissolution of the Assembly in March, Hoyles had expressed the belief that since the population of the colony was divided into two large religious denominations, any Government, to be satisfactory to both groups, ought to be composed of both Roman Catholics and Protestants.<sup>1</sup> Although, as we have noted, no Liberal member of the Assembly would join the Hoyles Government, it was still determined that all classes and creeds would have their share in the offices and patronage of the government.<sup>2</sup> Bishop Mullock probably expressed a widely held belief when he stated, in 1862, that the riots which had occurred were "in general but a disreputable struggle for place, not principle, for a means of living at the public expense, not for the public good."<sup>3</sup> If this were true, the decision of the Government to distribute patronage fairly among the religious denominations was certain to promote peace and

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<sup>1</sup>Proceedings of Assembly, March 4, 1861, Daily News, March 6, 1861.

<sup>2</sup>Bannerman to Newcastle, Confidential, August 28, 1861, C.O. 194/166.

<sup>3</sup>Pastoral of Bishop Mullock, Record, March 8, 1862.



harmony in the colony.

How soon, or how rigidly, the Hoyles Government followed this decision is uncertain. John Kent, in a public letter in 1864, denounced the Conservatives because of "the sectarian character of their distribution of patronage, and . . . their insincere profession of a desire to form an administration on non-exclusive principles."<sup>1</sup> D.W. Prowse, a Conservative member of the Assembly during the Hoyles administration, states that the system of dividing patronage proportionately among the major denominations dates from the disorders of 1861 and that it was put into operation after "a short respite."<sup>2</sup> The proportional division could not be complete as long as no Roman Catholic members of the Assembly were in the Executive Council. As shall be seen in a later chapter, this important step was achieved in 1865 when a number of Liberals united with the Conservatives to form a Coalition Government.

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<sup>1</sup>Kent to Editor of Newfoundlander, Newfoundlander, September 8, 1864.

<sup>2</sup>Prowse, op. cit., p. 491.



## CHAPTER IV

### THE HOYLES ADMINISTRATION, 1861-1865

Hugh W. Hoyles, the first native of Newfoundland to lead its Government, became the Attorney General and Premier of the colony in 1861.<sup>1</sup> The new Government was faced with grave political and financial problems, but Hoyles by his education and experience seemed suited for his position. He had received his law training in Halifax and had served in Nova Scotia before being called to the bar of Newfoundland. By 1861, he was probably the outstanding lawyer in the colony. According to Bannerman, he was considered as capable as any lawyer on the North American side of the Atlantic.<sup>2</sup> He had been elected to the Assembly in 1848 and continued a member of the House until 1859. In the general election of that year he had been defeated,<sup>3</sup> but again entered the Assembly in 1860. As already noted, Hoyles had led the Conservative Opposition against the introduction of responsible government. But his antagonism to the system diminished greatly after responsible government had been put into effect. As Premier, Hoyles was to promote public improvements and give the colony thrifty government.

Almost as important as Hoyles' personal qualifications was the confidence which Governor Bannerman had in him. The

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<sup>1</sup>See above, p. 64.

<sup>2</sup>Bannerman to Newcastle, No. 46, July 3, 1861, C.O. 194/166.

<sup>3</sup>See above, p. 24.



Governor still held much power and co-operation between him and his Executive Council was essential if responsible government were to work well. The lack of co-operation between Bannerman and the preceeding Liberal Executive Council had shown the importance of this. The Hoyles Government was strengthened by the mutual confidence and co-operation which existed between it and the Governor. When Bannerman requested Hoyles to form a Government he considered him "a gentleman of strict honour and integrity and gifted with great talent."<sup>1</sup> He was to be impressed with the way Hoyles acted as Premier. Bannerman, commenting on the Legislative session of 1863, referred to the "perserverance and business habits of the leader of the Government . . . who gave ample scope to Mr. Kent and his friends to state their objections at length to every measure brought forward, but took care that the business was finished before the prorogation at night."<sup>2</sup> When he retired as Governor of Newfoundland in 1864, Bannerman declared that there had never been any disagreement between him and the Conservative Executive Council.<sup>3</sup> He paid special tribute to Hoyles and praised the whole Executive Council for its unceasing efforts to promote the welfare of the people of Newfoundland. Anthony Musgrave, who succeeded Bannerman as Governor of the colony in October, 1864, also had a high opinion of Hoyles

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<sup>1</sup>Bannerman to Newcastle, No. 35, May 20, 1861, C.O. 194/165.

<sup>2</sup>Bannerman to Newcastle, No. 13, March 27, 1863, C.O. 194/170.

<sup>3</sup>Minutes of Executive Council, 1861-69, September 3, 1864.



and his colleagues.<sup>1</sup> Without this mutual confidence between Bannerman and the Hoyles Government the restoration of order following the riots of 1861 would probably have been a much longer and more difficult task.

Hoyles, as noted in the previous chapter, first took office as the leader of a minority Government. The elections of 1861 did not place the Government in a very strong position since only sixteen Conservatives were returned against fourteen Liberals.<sup>2</sup> The appointment of a Conservative as Speaker of the Assembly left them with a majority of only one member. The Government would have been in a difficult position had it been opposed by a united Liberal party, but the disorganization and weakness which had existed in the Liberal party during the general election of 1861 continued. In October of that year, as already noted, R.J. Parsons, Liberal member of the Assembly, had publicly admitted that the party was disorganized and that many of its members had little confidence in Kent.<sup>3</sup> Throughout 1862, the Record, a Liberal newspaper edited by G.J. Hogsett, denounced the former Kent Government and the Liberal representatives in the new Assembly.<sup>4</sup> In December, 1863, Hogsett described the Opposition as "a greater plague to the country than the Government itself."<sup>5</sup> Another sign of Liberal weakness was their failure to contest a by-election

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<sup>1</sup>Musgrave to Cardwell, No. 38, April 15, 1865, C.O. 194/174.

<sup>2</sup>See Appendix A.      <sup>3</sup>See above, p. 110.

<sup>4</sup>Record, April 5, and September 27, 1862.

<sup>5</sup>Ibid., December 15, 1863.



in Carbonear in 1862.<sup>1</sup> For the first time since the introduction of responsible government a Conservative candidate was elected in Carbonear. The party strengths in the Assembly as a result were Conservatives seventeen and Liberals thirteen.

Although the Government increased its majority, and succeeded in ending the civil strife which had broken out in 1861, the task of governing the colony continued to be a difficult one. The Hoyles Government was confronted with serious financial and economic problems as a result of a depression in the colony. Shortly after Hoyles became Premier in March, 1861, he announced in the Assembly that the program of his Conservative administration would be "the reduction of taxation as soon as practicable, economy in the expenditure of public money, the abolition of useless offices and the improvement generally of the country and the development of its resources."<sup>2</sup> The Conservatives soon found that they were unable to implement most of these policies, largely because the economic decline which had begun in 1860 continued throughout the Government's term of office. The colony was almost bankrupt when the Government assumed power,<sup>3</sup> and during the next four years it had insufficient revenue to make many public improvements. The revenue declined from over £133,600 in 1860 to about £90,000 in 1861.<sup>4</sup> The financial statement of the

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<sup>1</sup>Newfoundlander, November 13, 1862.

<sup>2</sup>Proceedings of Assembly, March 4, 1861, Daily News, March 6, 1861.

<sup>3</sup>Bannerman to Newcastle, Private, May 8, 1862, C.O. 194/168.

<sup>4</sup>See Appendix E.



Liberal Government for the year 1861, presented to the Assembly before its dissolution, estimated an expenditure of nearly £100,000 and a surplus of about £2,000.<sup>1</sup> The Conservative Government, largely because of the cost of a second Legislative session, raised the estimate of expenditure for the year to over £114,000 and, instead of a surplus, forecast a deficit of over £21,000.<sup>2</sup> Actual expenditure for the year amounted to over £126,000, more than £6,000 above the previous year, and resulted in a deficit of about £36,000. One of the first acts of the Conservatives had been to abolish a special 10 per cent tax, which had been imposed after the fire of 1846 on goods imported into St. John's to help pay for rebuilding the city.<sup>3</sup> But the revenue declined in 1861 and the Government felt obliged to increase the import tariffs which were almost the sole means of raising revenue. In 1862 it increased the import duties on certain goods, particularly rum and other spirits.<sup>4</sup> This helped to raise the revenue above what it had been in 1861, but the deficit for the year was over £21,000. The deficits for the next two years were small, but the revenue for 1864, the highest during the Government's term of office, amounted to only £125,000,<sup>5</sup> almost £25,000 below the peak year of 1857. The Government managed to prevent an

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<sup>1</sup>Journal of Assembly, 1860-61, Appendix, pp. 34-43.

<sup>2</sup>Ibid., 1861, Appendix, pp. 9-16.

<sup>3</sup>Minutes of Executive Council, 1855-61, March 30, 1861.

<sup>4</sup>Bannerman to Newcastle, Private, loc. cit.

<sup>5</sup>See Appendix E.



increase in the bonded public debt of the colony, but it could not eliminate a growth of the floating debt. The colony had had a surplus in 1860, but by the end of the following year there was a floating debt of over £18,000, and by 1864 it had almost doubled.

A succession of failures in the fishery, the colony's only important industry, produced the economic depression. The cod fishery, the largest source of income, decreased in amount and value. The quantity of dried cod exported from the island declined from over 1,138,000 quintals in 1860 to less than 850,000 in 1864.<sup>1</sup> During the same period its value declined from about £846,000 to approximately £798,000. The seal fishery, a valuable source of wealth, also declined. The catch of seals decreased from over 440,000 in 1860 to about 268,000 in 1862.<sup>2</sup> In the latter year about forty vessels, one-fifth of the total number engaged in the seal hunt, were abandoned and lost in the ice.<sup>3</sup> In 1863 steam ships were used in the seal fishery for the first time, but the catch did not improve. The seal fishery for that year and the following one was unsuccessful. The herring fishery, pursued chiefly on the southern and western coasts of the island and in Labrador, declined in value. The principal market for Newfoundland herring had been the United States, but during these years this trade was interrupted by the Civil War.<sup>4</sup> Conditions in

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<sup>1</sup>Blue Book, 1860, p. 233; and Ibid., 1864, p. 255.

<sup>2</sup>Chafe, Report of the Newfoundland Seal Fishery, p. 6.

<sup>3</sup>Bannerman to Newcastle, Private, loc. cit.

<sup>4</sup>Journal of Assembly, January 28, 1862.



the colony were extremely bad in 1862, probably the worst year of the period. In that year Bishop Feild, who had been in the colony for nearly twenty years, wrote:

Never in my experience, except perhaps immediately after the great fire and hurricane in 1846, was the colony of Newfoundland in such a depressed condition. It has been brought into this condition partly by political troubles, but mainly by three years' decline of the seal-fishery and two years bad, the last very bad, cod-fishery . . . . This spring the coast has been blockaded with ice in a manner and degree never before known in the memory of any living man . . . . The distress and poverty in consequence, all over the island have been dreadful.<sup>1</sup>

Variations in the size of the fishery catch and in the price received for fish in the foreign markets were not uncommon. Although the fishing industry was generally considered a precarious one, the series of unsuccessful fisheries began to arouse public concern. Speaking at the opening of the Legislature in 1863, Governor Bannerman declared that "any continued falling off of the average catch cannot fail to create anxiety and alarm in all who take an interest in the prosperity of the Colony."<sup>2</sup> The population of the colony was increasing without any corresponding growth in the value of the island's principal industry. The average quantity of cod fish exported from 1858 to 1862 was slightly larger than for the years from 1840 to 1844,<sup>3</sup> but between 1840 and 1860 there had been an increase of more than twenty-six thousand in the population of the colony. Perhaps for the first time in the island's history people

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<sup>1</sup>Tucker, Memoir of the Life and Episcopate of Edward Feild, pp. 167-68.

<sup>2</sup>Journal of Assembly, January 28, 1863.

<sup>3</sup>Ibid., January 28, 1864.



began to realize that Newfoundland could no longer rely on the fishery to provide employment for everybody. A single industry was no longer sufficient to meet the financial needs of the colony. Bishop Mullock in his pastoral message in 1863 stressed the need for other sources of employment besides the fishery.<sup>1</sup> Bannerman, in his speech opening the Legislature in 1864, warned that if the population continued to increase and to depend solely on the fishery for its livelihood, widespread poverty was inevitable.<sup>2</sup> The Hoyles Government, realizing the seriousness of this problem, began to inquire into the reasons for the fishery decline, and to try by legislation to preserve the colony's fishery resources.

The Government first turned its attention to the salmon and herring fishery. In 1862 the Legislature passed an Act for the protection of these branches of the fishery on the coast of Newfoundland.<sup>3</sup> The Act increased the penalties for breaking the provisions of the Act to protect the salmon fishery passed by the Liberals in 1860, but its chief purpose was to conserve the colony's supply of herring. The Act made illegal the general practice of using seines to bar and retain large quantities of herring for a number of days without taking them from the nets. To prevent the destruction of young herring a minimum size was laid down for the mesh of all herring nets. The fishery had been harmed by fishermen removing or destroying

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<sup>1</sup>Newfoundlander, February 19, 1863.

<sup>2</sup>Journal of Assembly, January 28, 1864.

<sup>3</sup>Royal Gazette, April 8, 1862.



the nets of rivals and the Act stipulated that those who did so would be punished. One of the clauses stated that the Act would not interfere with the rights granted to foreign powers by treaties--a provision included to ensure that the Imperial Government would sanction the Act.<sup>1</sup> The Act did little to improve the herring or salmon fisheries largely because its provisions were not enforced. Although the magistrates along the south coast of the island were instructed to enforce the Act,<sup>2</sup> they were not very successful. In 1863 one of them reported that there were countless infringements of the laws on the herring fishery, and declared that to ensure their enforcement an armed boat would be needed to cruise the coast.<sup>3</sup> Nova Scotian and United States fishermen in Labrador protested to Captain Hamilton, commander of the British naval ship on the coast in 1862, against the Act, and especially the clause preventing the barring of herring. He agreed that their protests were reasonable and acceded to some of their requests, although contrary to the provisions of the Act.<sup>4</sup> The value of these branches of the fishery probably did not warrant the expense which would have been necessary to enforce the Act properly.

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<sup>1</sup>Bannerman to Newcastle, No. 32, June 3, 1862, C.O. 194/168.

<sup>2</sup>Letter Books of the Colonial Secretary's Office, 1858-64, p. 530.

<sup>3</sup>Winter to Carter, January 2, 1863, Incoming Correspondence of the Colonial Secretary's Office, 1863-64.

<sup>4</sup>Hamilton to Bannerman, August 27, 1862, Journal of Assembly, 1863, Appendix, pp. 408-9.



The widespread failure of the three most important branches of the fishery--cod, seal, and herring--in 1862, led the Government to inquire into the reason for its decline.<sup>1</sup> Before the fishing season ended the Executive Council sent circulars to the magistrates in the outports asking them to report on the methods of fishing in their localities and to suggest improvements.<sup>2</sup> Governor Bannerman, believing that there was a need for greater care in curing the various kinds of fish caught in the colony, obtained specimens of fish cured in Norway, Scotland, and other countries.<sup>3</sup> These were displayed in the hall of the Fishermen's Society in St. John's so that fishermen of the area might inspect them and learn better ways of processing their own fish.<sup>4</sup>

In the 1863 session of the Legislature a joint committee of both Houses was appointed to study reasons for the fishery decline and to take evidence on the various methods of fishing which were used in the colony.<sup>5</sup> The committee took evidence from a large number of men connected with the fishery--men from both St. John's and the outports.<sup>6</sup> It made a number of recommendations although the evidence taken was very contradictory.

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<sup>1</sup>Bannerman to Newcastle, No. 62, November 6, 1862, C.O. 194/168.

<sup>2</sup>Minutes of Executive Council, 1861-69, July 12, 1862.

<sup>3</sup>Bannerman to Newcastle, No. 3, January 27, 1863, C.O. 194/170.

<sup>4</sup>Ibid.

<sup>5</sup>Bannerman to Newcastle, No. 34, June 29, 1863, C.O. 194/170.

<sup>6</sup>Journal of Assembly, 1863, Appendix, pp. 457-631.



The committee concluded that the chief reason for the decline of the inshore fishery was the sale of bait to foreigners, especially the French.<sup>1</sup> It believed, also, that the supply of bait was being reduced by the Newfoundland fishermen using caplin, a valuable bait, as manure for their crops. The committee urged that this practice be stopped. It recommended that the use of bultows, or trawls, to catch cod fish--a method adopted by Newfoundland fishermen from the French--should be prohibited, and it condemned, also, the use of cod jiggers. The committee did not condemn the use of either cod nets or seines provided the seines did not interfere with the fishermen who used only hook and line, the method generally followed by the poorer fishermen. The evidence taken by the committee supported Bannerman's view that there was need for greater care in curing the different kinds of fish, especially cod. Finally the committee expressed the conviction that any laws regulating the fishery would be useless unless an efficient coastal and land guard were established to enforce them.

The committee embodied these recommendations in a draft bill which it presented to the Legislature shortly before the end of the session. Instead of passing the bill the Assembly decided to defer it for future consideration.<sup>2</sup> Bannerman wished to obtain the opinion of the Imperial Government before the bill should be passed by the Assembly.<sup>3</sup> He was convinced

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<sup>1</sup>Journal of Assembly, March 16, 1863.

<sup>2</sup>Bannerman to Newcastle, No. 13, March 27, 1863, C.O. 194/170.

<sup>3</sup>Bannerman to Newcastle, No. 34, loc. cit.



that the fishery would always be precarious, just as it had been in the past, and believed that no legislation could ensure its success.<sup>1</sup> Consequently, he did not favour the bill nor the adoption of any additional fishery laws. Newcastle seems on the whole to have agreed with Bannerman.<sup>2</sup> He informed the Governor that he would not sanction any local legislation on the fishery which might interfere with Anglo-French relations, and warned that any fishery act passed by the Newfoundland Legislature must specify that its provisions would not apply to the French Shore. Nor would the Imperial Government, he declared, sanction any act which prevented the sale of bait to foreign fishermen. Newcastle stressed that it would be unjust to impose restrictions on British fishermen which could not be imposed on foreigners because of former treaties.

The fishery bill was again considered by the Assembly in the 1864 session of the Legislature. It was one of the main topics in the Governor's speech opening the session. The Assembly, in its address in reply, expressed the hope that "the valuable information obtained from the inquiry of last session may lead to legislation of a practical character."<sup>3</sup> Yet, the Assembly decided not to pass any legislation on the fishery. According to Bannerman the bill was not adopted because of the limiting clauses which the Secretary of State

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<sup>1</sup>Bannerman to Newcastle, No. 62, November 6, 1862, C.O. 194/168.

<sup>2</sup>Newcastle to Bannerman, No. 28, August 3, 1863, Despatches from Colonial Office, 1863 Volume.

<sup>3</sup>Journal of Assembly, February 3, 1864.



for the Colonies had advised must be added to it.<sup>1</sup> Bannerman's opposition to the bill and the disagreement among fishermen and others connected with the industry on the limitations to be imposed on the fishery may have influenced the decision of the Assembly.

One effect of the inquiry into the methods employed in the cod fishery was to arouse conflict between the poorer fishermen, who used only hook and line, and the wealthier ones who used trawls, seines or cod nets. Many of the poorer fishermen apparently believed that the Legislature, following the committee inquiry of 1863, had passed laws prohibiting the use of the more expensive fishing gear.<sup>2</sup> Many of them were convinced that the use of trawls, seines, and cod nets, since they produced larger catches of fish than could be secured by hook and line, had contributed to the general fishery decline. In the summer of 1863 many of the poorer fishermen seized or destroyed the fishing gear of their wealthier neighbours.<sup>3</sup> So violent were some of the quarrels that the Chief Justice, Sir Francis Brady, expressed surprise that nobody had been killed.<sup>4</sup> Both he and Bishop Mullock appealed to the poorer fishermen not to destroy the property of others engaged in the industry.<sup>5</sup> At the beginning of the 1864 fishing season, Governor Bannerman

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<sup>1</sup>Bannerman to Newcastle, No. 16, March 22, 1864, C.O. 194/172.

<sup>2</sup>Proclamation of Bannerman, June 3, 1864, enclosed in Bannerman to Cardwell, No. 36, June 11, 1864, C.O. 194/172.

<sup>3</sup>Ibid.

<sup>4</sup>Bannerman to Cardwell, No. 36, loc. cit.

<sup>5</sup>Newfoundlander, September 10, and October 15, 1863.



issued a proclamation declaring that no method of fishing was unlawful, and that any fisherman who interfered with the practices of another would be punished with the "utmost rigor of the law."<sup>1</sup> That year only one serious dispute arose over fishing methods.<sup>2</sup>

The Government, although it had failed to adopt any regulations for the cod fishery, continued to consider ways of promoting other branches of the industry. In 1865 the Legislature gave further attention to the salmon fishery. Governor Musgrave, in his speech opening the session, stated that he had received information on the "serious detriment to the source of wealth in the Salmon Rivers of this Government by indiscriminate fishing, over which no control is exercised, and which threatens the destruction of possessions very valuable to the Colony."<sup>3</sup> He suggested that the Legislature study the possibility of establishing marine police to protect the salmon fishery. The Assembly favoured this suggestion and agreed that regulations should be adopted to protect the salmon fishery from further decline.<sup>4</sup> The Government promised to conduct an inquiry into the best method of protection and expressed hope that regulations would be adopted at the next session of the Legislature.<sup>5</sup>

The Government, at the beginning of the 1865 Legislative

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<sup>1</sup>Proclamation of Bannerman, June 3, 1864, loc. cit.

<sup>2</sup>Royal Gazette, November 29, 1864.

<sup>3</sup>Journal of Assembly, January 27, 1865.

<sup>4</sup>Ibid., March 29, 1865.      <sup>5</sup>Ibid., April 7, 1865.



session, announced that it would try to encourage the mackerel fishery and the cod fishery on the Grand Banks<sup>1</sup>--two branches of the industry no longer pursued by Newfoundland fishermen. It later offered a bounty of £2,000 to encourage the resumption of the bank, or deep sea fishery, and £1,000 to help promote the mackerel fishery.<sup>2</sup> Although one or two vessels were fitted for the Grand Banks that year,<sup>3</sup> neither of these measures was immediately successful in reviving these branches of the fishery. Several decades later the Newfoundland bank fishery was revived and became an important part of the island's economy.)

The repeated fishery failures during its term of office and the realization that the value of the fishery was not increasing in proportion to the growth of population led the Government to try to promote other industries. It first directed its attention to agriculture. In 1862, the Government promised free licenses for the first five years to the occupants of new land; free seed potatoes for the first year; and payment of part of the cost of building a house.<sup>4</sup> The Government promised to spend £800 to provide free seed potatoes for those who wished to plant that year. A committee of the Assembly was appointed in 1863 to study agriculture and to suggest ways of increasing agricultural production. The committee attributed the backwardness of agriculture to lack of industry in the

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<sup>1</sup>Ibid., January 27, 1865.

<sup>2</sup>Royal Gazette, April 18, 1865.

<sup>3</sup>Annual Report of St. John's Chamber of Commerce, August 2, 1865, Minute Book of Chamber of Commerce, 1860-66.

<sup>4</sup>Minutes of Executive Council, 1861-69, May 3, 1862.



people and to the failure of capitalists to invest money in it.<sup>1</sup> Despite the short growing season and the infertility of the soil in many regions, the committee was convinced that Newfoundland was "capable of attaining a position as an Agricultural Country not inferior to many of the British Colonies."<sup>2</sup> It recommended that the Government give free grants of up to twenty acres on condition that the recipients cultivate one-tenth of it within five years. An Agricultural Society in St. John's had been helping to encourage agriculture in that area, and the committee urged the Government to promote similar societies in other parts of the island. The committee strongly recommended encouragement of sheep raising. It submitted its report to the Assembly on the day prior to the closing of the session and no action was taken on it. Later that year the Executive Council had the Surveyor General make a survey of ungranted land suitable for agriculture in the Avalon Peninsula.<sup>3</sup> The St. John's Agricultural Society, in 1864, reminded the Government that the sheep industry was being restricted because of the slaughter of sheep by dogs.<sup>4</sup> The following year the Legislature passed legislation to amend and extend an Act passed by the Liberals to prevent destruction of sheep and cattle by dogs.<sup>5</sup> Despite the efforts to stimulate

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<sup>1</sup>Journal of Assembly, March 24, 1863.      <sup>2</sup>Ibid.

<sup>3</sup>Report of Surveyor General, January 23, 1864, Incoming Correspondence of the Colonial Secretary's Office, 1863-64.

<sup>4</sup>Robinson to Musgrave, December 19, 1864, Incoming Correspondence of the Colonial Secretary's Office, 1863-64.

<sup>5</sup>Royal Gazette, April 11, 1865.



agriculture the increase in production was small. Governor Musgrave, in a despatch to the Secretary of State for the Colonies in 1865, informed him that "Newfoundland is not an agricultural country and I fear that the time is distant when she will be able to supply even her own wants."<sup>1</sup> However, more attention was now being given to the promotion of agriculture, although still as an auxiliary to the fishery.

During the Hoyles administration more attention than hitherto was given to the mineral resources of the colony as a means of strengthening the economy. Although the colony was believed to be rich in minerals,<sup>2</sup> little had been done to develop them partly because no survey of the island's mineral resources had ever been made, and partly because of the lack of capital to develop mining.<sup>3</sup> The lead mine opened in 1858<sup>4</sup> continued in operation, and in 1864 a small copper mine was opened. The Governor in his speech opening the Legislature in 1864 stated that each of these mines employed about one hundred people and declared that "the vast unexplored territory of this Island . . . opens a wide field for the investigation of the Geologist, and justifies encouraging hopes that the Mineral resources of Newfoundland may yet prove most productive, and afford remunerative employment to its people."<sup>5</sup> That same

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<sup>1</sup>Musgrave to Cardwell, No. 65, July 19, 1865, C.O. 194/174.

<sup>2</sup>Ibid.

<sup>3</sup>Bannerman to Newcastle, No. 26, May 18, 1863, C.O. 194/170.

<sup>4</sup>See above, p. 11.

<sup>5</sup>Journal of Assembly, January 28, 1864.



year, upon the recommendation of Sir William Logan, Geologist with the Government of Canada, the Government engaged Alexander Murray to begin a geological survey of Newfoundland.<sup>1</sup> This survey, which continued for several years, gave valuable information on the mineral resources of the colony. However, the mining industry was only of minor importance during the period of the Hoyles administration.

The economic depression which lasted throughout the term of the Hoyles Government made the problem of poor relief more serious than it had ever been. The revenue, as already noted, declined below what it had been under the Liberals. As prosperity decreased the need for poor relief expanded and the Conservatives spent much more on it than their predecessors.<sup>2</sup> Bannerman considered that this large expenditure was the principal problem confronting the Conservatives.<sup>3</sup> The Government made several attempts to reduce relief spending, but was no more successful than the previous administration had been. It made its first attempt in 1861 when it adopted a series of regulations for the administration of poor relief.<sup>4</sup> It believed that the chief reasons for the large expenditure were the extravagance of the local poor commissioners and the supply of relief to people who did not need it. The commissioners

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<sup>1</sup>Logan to Hoyles, May 14, 1864, Incoming Correspondence of the Colonial Secretary's Office, 1863-64.

<sup>2</sup>See Appendix F.

<sup>3</sup>Bannerman to Newcastle, No. 13, March 27, 1863, C.O. 194/170.

<sup>4</sup>Minutes of Executive Council, 1861-69, July 26, 1861.



were now required to submit regular reports on their spendings and relief was not to be given to any able-bodied person unless he was "both destitute and deserving."<sup>1</sup> The new regulations were not effective in reducing relief expenditure. In 1861 it amounted to more than £20,000 which was over £6,000 above the previous year. Realizing that its regulations of 1861 had failed, the Government in 1862, adopted a more stringent policy. It resolved to give no further relief to the able-bodied poor, but to confine relief to the permanent poor -- "the sick and infirm and . . . destitute widows and orphans."<sup>2</sup> This measure might have proved effective had 1862 been a prosperous year. Unfortunately, it was not and, as we have seen, the fishery was unsuccessful in most areas. The Labrador fishery, in which large numbers of Newfoundlanders were employed, was an unprecedented failure. As a result the Government decided to depart from the poor relief policy adopted a few months earlier. It promised to give employment on public works to Newfoundland fishermen who had spent the summer in Labrador, but had made no money.<sup>3</sup> Appeals made to the Government for similar employment for inshore fishermen of St. John's and Placentia were refused although the catch in these areas had been low.<sup>4</sup> Relief expenditure for 1862 amounted to more than £32,000 which was higher than it had ever been before,<sup>5</sup>

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<sup>1</sup>Ibid.      <sup>2</sup>Royal Gazette, May 20, 1862.

<sup>3</sup>Ibid., November 4, 1862.

<sup>4</sup>Minutes of Executive Council, 1861-69, November 15, and December 6, 1862.

<sup>5</sup>See Appendix F.



and more than one-quarter of the total revenue for that year. At the closing of the Legislature in 1863, Governor Bannerman warned that if the relief system continued unaltered much longer it would make the colony bankrupt.<sup>1</sup> Over £26,000 was spent in aid of the poor that year.

The Government in 1864 made a new effort to solve the problem of poor relief--this time by an act of the Legislature. Shortly after the opening of the session, Hoyles introduced "a Bill for Raising by Assessment a Fund for the Relief of able-bodied Paupers."<sup>2</sup> The idea of introducing direct local taxation to supply funds to aid the poor was not new. Kent had expressed the opinion earlier that only the adoption of the principle of local assessment would prevent extravagance in relief spending.<sup>3</sup> Bannerman, too, was convinced that the evils of the existing system would continue until "direct taxation is levied upon the more opulent classes."<sup>4</sup> Hoyles, in a speech in the Assembly defending the Bill, maintained that when the people of a district were required to support their own poor they would avoid extravagant spending of relief money.<sup>5</sup> He admitted that in the beginning the principle could not be applied to all districts of the island, and suggested that it should be tried first in St. John's and certain districts

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<sup>1</sup>Journal of Assembly, March 25, 1863.

<sup>2</sup>Ibid., February 4, 1864.      <sup>3</sup>See above, p. 52.

<sup>4</sup>Bannerman to Newcastle, No. 13, March 27, 1863, C.O. 194/170.

<sup>5</sup>Proceedings of Assembly, February 23, 1864, Public Ledger, March 18, 1864.



in Conception Bay, the areas where most of the wealthier people of the colony lived. Taxes, Hoyles stated, were to be imposed on both land and houses. Although the problem of poor relief was one which both political parties claimed that they wished to see ended, the Liberals opposed the Bill. They maintained that it would do nothing to eliminate the cause of pauperism--the lack of sufficient employment for the people.<sup>1</sup> Instead the Liberals urged the Government to concentrate on developing the resources of the colony. The Bill passed its second reading by a vote of fourteen to eleven, but was later withdrawn.<sup>2</sup> Bannerman in his speech closing the session stated that the Assembly had affirmed the principle of a poor law bill "with a view to its final adoption at a future time, after it has received the consideration of the country."<sup>3</sup>

Governor Musgrave in 1865, addressing the opening of the Legislature for the first time, warned that the evil of pauperism was growing and urged the need for the adoption of the principle of local assessment. He declared:

I am not ignorant of the difficulties which surround this subject; but I would submit to you, for consideration, that we have it in our power, first to endeavour to develop additional applications of industry, and at the same time strive to establish checks to abuses in the administration of poor relief, which can hardly be sufficiently controlled while it is allowed to be a duty charged solely upon the Executive Government. I cannot too strongly urge upon you the wisdom of making each District responsible, as far as possible, for furnishing and administering relief to its own necessities, from local rates. By such means . . . thriftiness of administration may be accomplished, which we shall fail to secure by any other mode.<sup>4</sup>

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<sup>1</sup>Journal of Assembly, February 23, 1864.

<sup>2</sup>Ibid., March 7, 1864.      <sup>3</sup>Ibid., April 13, 1864.

<sup>4</sup>Ibid., January 27, 1865.



The Assembly in its address in reply acknowledged the evils of the existing poor relief system and the soundness of the principle of direct local taxation, but claimed that "in the peculiar circumstances of the Colony there are obstacles to an effective application of those principles."<sup>1</sup> This was a convenient way of avoiding legislation which would have been unpopular with most voters. Both parties were well aware that direct taxation would be extremely unpopular in the colony where all revenue was raised by indirect methods.<sup>2</sup> Besides, if local assessment were adopted members of the Assembly would probably have less control over the distribution of money for the poor, and would thus lose a valuable source of patronage. The Hoyles Government, like the Liberal Governments which preceeded it, failed to solve the problem of poor relief.

The Government, with a low revenue and compelled to spend large sums of money to aid the destitute, was unable to raise the standards of the public services greatly. It maintained the grant for education at the level established by the Liberals and spent more than £13,000 for education each year.<sup>3</sup> Funds for building and repairing roads were reduced from over £12,000 in 1860 to less than £3,000 in 1861. Expenditure on roads remained low until 1864 when it was raised to over £10,000. The steam boat service between St. John's and the outports, which had been established by the Kent

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<sup>1</sup>Ibid., February 6, 1865.

<sup>2</sup>Musgrave to Cardwell, No. 65, July 19, 1865, C.O. 194/174.

<sup>3</sup>See Appendix F.



Government, was discontinued for a time. The Hoyles Government terminated its contract with the owners of the S.S. Victoria after the ship ran aground in 1861.<sup>1</sup> Lack of money prevented the Government from restoring the service until 1863.<sup>2</sup> The following year the Assembly passed a resolution authorizing the Government to secure a second ship for the coastal steam boat service.<sup>3</sup> In 1865 the Government announced that it could not secure another ship at a price the colony could afford<sup>4</sup> and so the outports continued to be served by only one steam ship. There were many disruptions in the steam ship service established in 1858 connecting Newfoundland with Britain and the United States.<sup>5</sup> In 1861 the British Government, which paid most of the cost of the service, terminated its contract with the steam ship company.<sup>6</sup> The service was restored in 1863, but was discontinued the following year and was not renewed despite urgent requests from Newfoundland.<sup>7</sup> The bimonthly steam ship service between Halifax and St. John's, which had

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<sup>1</sup>Minutes of Executive Council, 1855-61, September 6, 1861.

<sup>2</sup>Journal of Assembly, January 28, 1863; and Carter to Cleary, May 27, 1863, Letter Books of the Colonial Secretary's Office, 1858-64.

<sup>3</sup>Journal of Assembly, April 12, 1864.

<sup>4</sup>Ibid., January 27, 1865. <sup>5</sup>See above, p. 2.

<sup>6</sup>Bannerman to Newcastle, No. 39, June 5, 1861, C.O. 194/165.

<sup>7</sup>Newcastle to Bannerman, No. 13, March 24, 1864, Despatches from Colonial Office, 1864 Volume; Musgrave to Cardwell, No. 59, June 26, 1865, C.O. 194/174; and Cardwell to Musgrave, No. 47, November 24, 1865, Despatches from Colonial Office, 1865 Volume.



been in existence for some years, continued and most mail and passengers going to Britain travelled via Halifax. Since the late 1850's the colony had been connected with Nova Scotia by a telegraph line, but the system did not function well.<sup>1</sup>

The Hoyles Government promoted a number of public improvements and passed some valuable legislation. In the summer of 1862 the General Water Company, which had been incorporated under the Liberals, completed the construction of an efficient water supply system for St. John's.<sup>2</sup> A similar undertaking was proposed for Harbour Grace, the second largest community in the island, and the following year the Legislature passed an Act to incorporate the Harbour Grace Water Company.<sup>3</sup> The Legislature, in 1863, passed an Act authorizing the General Water Company to establish a fire brigade in St. John's.<sup>4</sup> During the same session it passed an Act directing the Board of Works to begin construction of a sewerage system for the capital. Governor Bannerman, as already noted, was convinced that the functions of the Board of Works were too extensive for it to fulfill them effectively,<sup>5</sup> and in 1863 the Legislature passed an Act to reduce the duties of the Board and to give the Executive Council greater control over it.<sup>6</sup> The riots in the spring of 1861 and the refusal of the British Government

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<sup>1</sup>Prowse, History of Newfoundland, pp. 640-41.

<sup>2</sup>Newfoundlander, June 9, 1862.

<sup>3</sup>Royal Gazette, April 14, 1863.

<sup>4</sup>Ibid., March 31, 1863.      <sup>5</sup>See above, pp. 15-16.

<sup>6</sup>Royal Gazette, April 7, 1863.



to increase the size of the garrison induced the Conservatives to pass an Act to establish a volunteer military force, one of the chief aims being to help preserve peace in the colony.<sup>1</sup> In addition, the Government increased both the size and efficiency of the colony's police force.<sup>2</sup> Another important accomplishment of the Hoyles administration was the elimination of the confusion in the colony's finances which resulted partly from the difference in value between Newfoundland and British sterling, and partly from the unregulated use of foreign coins in the island.<sup>3</sup> It introduced a decimal system of currency based on British coins, and provided that all government accounts should be kept in dollars and cents. *y* *Here*

Perhaps the most important achievement of the Hoyles administration was the establishment of more effective control over Labrador. The Liberals, as already indicated, failed to strengthen control over the coast.<sup>4</sup> Although there were few restraints against lawlessness, both the permanent and summer population on the coast of Labrador were increasing.<sup>5</sup> Captain Hamilton, senior officer of the British Navy on the Newfoundland station in 1861, estimated that there were sixteen hundred

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<sup>1</sup>Ibid., July 2, 1861.

<sup>2</sup>Bannerman to Newcastle, Confidential, October 20, 1862, C.O. 194/168.

<sup>3</sup>Bannerman to Newcastle, No. 38, July 13, 1863, and enclosures, C.O. 194/170.

<sup>4</sup>See above, pp. 31-33.

<sup>5</sup>Hamilton to Bannerman, September 30, 1861, C.O. 194/167, pp. 60-72.



permanent settlers between Blanc Sablon and Sandwich Bay,<sup>1</sup> the part of the coast on which the fishery was centered. That summer he estimated that there were thirty thousand British subjects from Newfoundland, England, Jersey, Nova Scotia, and Canada on the Labrador coast.<sup>2</sup> He feared that with the growth in permanent and summer population disputes and lawlessness would increase.<sup>3</sup> Messrs. Hunt and Henley, one of the larger firms engaged in the Labrador trade, had complained at the beginning of the 1861 fishing season of the complete lack of protection for either life or property, and requested the British Admiralty to send a ship to the coast.<sup>4</sup> Since large numbers of Newfoundland fishermen visited Labrador each summer the firm feared that disorders, similar to those which had taken place in the island in the spring of that year, might occur in Labrador. Fishermen from Nova Scotia, who had fished in Labrador during the previous year, complained that Newfoundland fishermen had taken fish which they had caught and had destroyed their seines and other property.<sup>5</sup> They requested that an effort be made to prevent such depredations in the future. Vice Admiral Milne, commander of the British Navy in North America, acceded to these requests and instructed

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<sup>1</sup>Hamilton to Milne, October 9, 1861, C.O. 194/167, pp. 76-89.

<sup>2</sup>Ibid.      <sup>3</sup>Hamilton to Bannerman, loc. cit.

<sup>4</sup>Hunt and Henley to Admiralty, June 6, 1861, enclosed in Newcastle to Bannerman, No. 102, June 24, 1861, C.O. 194/167, pp. 12-14.

<sup>5</sup>Enclosed in Bannerman to Assembly, May 22, 1861, Journal of Assembly, May 27, 1861.



Captain Hamilton of the Hydra to visit Labrador during the 1861 fishing season to prevent disorders there.<sup>1</sup> Upon Milne's recommendation Governor Bannerman appointed Captain Hamilton and his lieutenant justices of the peace.<sup>2</sup> Most of the disputes with which they had to deal arose, not from controversy over the recent election in Newfoundland, but from conflicts over fishing methods.<sup>3</sup> Captain Hamilton returned to Labrador in 1862. Although Nova Scotian and United States fishermen protested against the laws on the herring fishery adopted by the Newfoundland Legislature earlier that year,<sup>4</sup> no serious disputes occurred on the coast in 1862.<sup>5</sup>

Early in 1862 the Hoyles Government announced that in the following year it intended "to establish a Court of limited Civil and Criminal jurisdiction on the part of the Coast of Labrador which forms a dependency of Newfoundland and to impose the same duties as are levied [in Newfoundland] under the Annual Revenue Acts."<sup>6</sup> This proposal was considered by the Legislature in 1863. The Liberals opposed the Bill, declaring that the project would be no more successful than the attempt which the Assembly had made in 1840 to levy duties in

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<sup>1</sup>Milne to Admiralty, June 25, 1861, and enclosures, C.O. 194/167, pp. 18-23.

<sup>2</sup>Ibid.; and Royal Gazette, July 9, 1861.

<sup>3</sup>Hamilton to Bannerman, loc. cit.

<sup>4</sup>See above, p. 124.

<sup>5</sup>Hamilton to Bannerman, October, 1862, Journal of Assembly, 1863, Appendix, pp. 398-401.

<sup>6</sup>Bannerman to Newcastle, No. 35, June 13, 1862, C.O. 194/168.



Labrador.<sup>1</sup> The Conservatives, however, were united in favour of the Bill and it was adopted by a vote of thirteen to eleven.<sup>2</sup> The Act empowered the Governor to appoint a revenue collector for Labrador. The judge to be appointed under the Act was to have limited authority; his decisions might be appealed to the Supreme Court of Newfoundland.<sup>3</sup>

Benjamin Sweetland was appointed judge of the Labrador circuit court and James Winter was made revenue collector.<sup>4</sup> They arrived on the Labrador coast in July in the schooner Volant. In preparation for resistance to the payment of duties, they swore in their crew of fifteen as special constables.<sup>5</sup> Even this did not prevent most of the established businesses from trying to resist payment. The authorities frequently had to use force before the firms would pay duties on the goods which they had imported.<sup>6</sup> The merchants might have offered stronger resistance had there not been a British naval ship on the coast that summer.<sup>7</sup> Despite protests and efforts to evade payment, Winter collected nearly £1,400 in customs

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<sup>1</sup>Newfoundlander, February 16, 1863.

<sup>2</sup>Journal of Assembly, February 13, 1863.

<sup>3</sup>Hoyles to Bannerman, May, 1863, enclosed in Bannerman to Newcastle, No. 32, June 17, 1863, C.O. 194/170.

<sup>4</sup>Minutes of Executive Council, 1861-69, April 18, and May 30, 1863.

<sup>5</sup>Hamilton to Milne, July 29, 1863, C.O. 194/171, pp. 205-14.

<sup>6</sup>Winter to Receiver General, November 12, 1863, enclosed in Bannerman to Newcastle, No. 53, December 1, 1863, C.O. 194/171.

<sup>7</sup>Hamilton to Milne, loc. cit.



duties which was about twice the cost of collection.<sup>1</sup> The effort to establish more effective administration of justice on the coast was also successful. A number of civil disputes were brought before the court. Judge Sweetland believed, however, that the "moral effect" of having a circuit court on the coast was more important than the amount of work done.<sup>2</sup>

The Labrador Act of the Hoyles Government had been successful during its first year of operation, yet at the close of the 1863 fishing season the Newfoundland Government had no guarantee that the Imperial authorities would allow the Act to continue in operation. Shortly after it had been passed by the Legislature, thirteen British firms which participated in the Labrador trade, petitioned the Secretary of State for the Colonies to disallow the Act.<sup>3</sup> They claimed that it was unconstitutional for the Newfoundland Legislature to impose taxes on an area not represented in its Assembly, and that it would be impossible to extract revenue from all groups doing business on the coast. The British merchants would not be able to escape paying duties because they had permanent establishments in Labrador. They claimed that transient traders would easily evade payment, and that as a result the British trade would suffer. The Chamber of Commerce in Jersey made a similar protest. It claimed that unless the Labrador Act were disallowed the

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<sup>1</sup>Bannerman to Newcastle, Confidential, October 21, 1863, C.O. 194/171.

<sup>2</sup>Sweetland to Hoyles, enclosed in Bannerman to Newcastle, No. 53, loc. cit.

<sup>3</sup>Petition of English Merchants to Newcastle, April 3, 1863, C.O. 194/171, pp. 391-92.



"fisheries established at Labrador will soon become unprofitable and thus that important nursery for the Navy will be totally destroyed."<sup>1</sup> Messrs. Hunt and Henley raised the strongest and most persistent objections to the Labrador Act. They claimed that since Labrador was not mentioned in the Proclamation of 1832, which established the Legislature of Newfoundland, the Government of the island had no power to pass laws affecting it.<sup>2</sup> The Law Officers of the Crown, after studying this claim, decided that the Newfoundland Government had power to pass laws for Labrador.<sup>3</sup> This decision, and the successful application of the Labrador Act during the summer of 1863, probably influenced the British Government to sanction it. In December, Newcastle, in a despatch to Bannerman, informed him that the Act had been sanctioned by the Imperial Government.<sup>4</sup> The Colonial Office also passed the information to a number of the British merchants who had protested against the Act.

Opposition to the collection of revenue did not cease even after the Act had been sanctioned. Hunt and Henley continued to protest against it. They claimed that the Act was not impartially enforced and even suggested that Labrador

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<sup>1</sup>LeBailly to Newcastle, July 11, 1863, C.O. 194/171, pp. 290-92.

<sup>2</sup>Hunt and Henley to Newcastle, August 11, 1863, enclosed in Newcastle to Bannerman, No. 33, September 14, 1863, Despatches from Colonial Office, 1863 Volume.

<sup>3</sup>Enclosed in Newcastle to Bannerman, Confidential, September 14, 1863, Despatches from Colonial Office, 1863 Volume.

<sup>4</sup>Newcastle to Bannerman, No. 48, December 5, 1863, Despatches from Colonial Office, 1863 Volume.



be removed from the control of Newfoundland and replaced under the jurisdiction of Canada.<sup>1</sup> The Nova Scotian Government complained that its fishermen had to pay duties in Labrador on provisions which were not to be sold.<sup>2</sup> Despite these protests the revenue collector found much less resistance to paying duty in 1864 than in the previous year.<sup>3</sup> The amount of revenue collected, however, declined by over £300. Hunt and Henley, finding that their protests to the British Government were ineffective, during 1865 gave up their efforts to have the Act disallowed. In December, the Secretary of State for the Colonies informed the Governor of Nova Scotia that the Labrador Act would continue in effect and if the fishermen of that colony disagreed with the way it was enforced they would have to lay their case before the courts in Newfoundland.<sup>4</sup> This put an end to formal protests against the Labrador Act.

In 1863 Newcastle had suggested that the inhabitants of Labrador should be represented in the Assembly of Newfoundland.<sup>5</sup> Although the Hoyles Government did not accept this

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<sup>1</sup>Hunt and Henley to Rogers, January 30, 1864, enclosed in Newcastle to Bannerman, No. 6, February 4, 1864, Despatches from Colonial Office, 1864 Volume.

<sup>2</sup>Bannerman to Cardwell, Separate, May 18, 1864, and enclosures, C.O. 194/172.

<sup>3</sup>Report of Winter, October 26, 1864, enclosed in Musgrave to Cardwell, No. 9, October 26, 1864, C.O. 194/173.

<sup>4</sup>Cardwell to Acting Governor of Nova Scotia, December 21, 1865, enclosed in Cardwell to Musgrave, No. 53, December 23, 1865, Despatches from Colonial Office, 1865 Volume.

<sup>5</sup>Newcastle to Bannerman, No. 38, October 31, 1863, Despatches from Colonial Office, 1863 Volume.



suggestion, probably because of the small population on the coast, it did succeed in consolidating its control over Labrador. The Government was, as Governor Musgrave wrote, "deserving of praise for endeavouring to prevent this proportion of the Colonial dependencies from lapsing into a condition of barbarous lawlessness."<sup>1</sup>

During the period of the Hoyles administration no crisis arose in Newfoundland over French rights and privileges along the French Shore. At the time the Conservatives took office, however, there was growing apprehension in the colony that the Imperial Government was going to make concessions to France, and that Newfoundland's interests would be sacrificed.<sup>2</sup> One of the last acts of the Liberals had been to adopt a strongly worded address against the Fishery Convention which was believed to have been concluded with the French. The address was adopted after the dismissal of the Liberal Executive Council and one day before the dissolution of the Assembly. Ambrose Shea was authorized to take it to England and to make certain that it would be presented to both Houses of Parliament.<sup>3</sup> In it the Assembly expressed its conviction that following the introduction of responsible government "it ceased to be competent to the Imperial Government to dispose of the public property of the island to any Foreign State or Power

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<sup>1</sup>Musgrave to Cardwell, No. 9, loc. cit.

<sup>2</sup>See above, pp. 44-46.

<sup>3</sup>Journal of Assembly, March 6, 1861; and Ibid., February 13, 1862.



without the consent of the people of Newfoundland."<sup>1</sup> The Assembly expressed the belief that a Convention had been completed for several months, and claimed that the withholding of information on it supported public reports that Labouchere's pledge of 1857 was to be violated.

There were a number of reasons for the decline in public anxiety over possible concessions to France after the Hoyles Government took office. The Conservatives seemed to have more trust in the British Government than the Liberals, who had always greatly stressed local interests above imperial.<sup>2</sup> They had not been as outspoken as the Liberals against the failure of the British Government to release information on the Fishery Convention then under negotiation. Moreover, the controversy aroused by Bannerman's dismissal of the Liberals diverted attention from the Fishery Convention. But the principal reason for the decline in concern over concessions which the Imperial Government might make to France was the receipt, in March, of a despatch from Newcastle. He stated that the present Convention "had not for its object in any way to enlarge 'the maritime or territorial rights' of France or to abridge those of Newfoundland, but primarily and almost exclusively to provide machinery capable of securing that the just rights of each party under the existing Treaties shall be

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<sup>1</sup>Ibid., March 6, 1861.

<sup>2</sup>William M. Whitelaw, The Maritimes and Canada Before Confederation (Toronto: Oxford University Press, 1934), pp. 150-51.



respected by the other."<sup>1</sup> The publication of this despatch by Bannerman ended attempts of the Liberals to raise public alarm over concessions to France.<sup>2</sup>

The Convention which Newfoundland had been expecting since the summer of 1860 never came into effect. After it had been signed by the English and French negotiators in June, 1860, disagreement arose over the meaning of article 15 of the Joint Instructions which were to accompany the Convention.<sup>3</sup> The Colonial Office believed that unless the wording of the article were changed the French would have the power to compel the removal of all fixed British establishments on the coast.<sup>4</sup> The French Government refused to agree to the rewording of the article proposed by the British and suggested that the Convention be dropped.<sup>5</sup> The British Government agreed.<sup>6</sup> No attempt was made to reopen negotiations. The extent of British and French rights on the French Shore remained undefined and frequent disputes continued to occur between the French fishermen and English settlers.

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<sup>1</sup>Newcastle to Bannerman, No. 80, March 4, 1861, Despatches from Colonial Office, 1861 Volume.

<sup>2</sup>Bannerman to Newcastle, No. 27, April 23, 1861, C.O. 194/165.

<sup>3</sup>Fortescue to Hammond, Foreign Office, August 27, 1860, C.O. 194/169, p. 157.

<sup>4</sup>Ibid.; and Rogers to Hammond, November 14, 1860, C.O. 194/169, p. 158.

<sup>5</sup>Hammond to Rogers, October 26, 1861, and enclosures, C.O. 194/169, p. 160.

<sup>6</sup>Minute of Strachey, June 23, 1862, C.O. 194/169, p. 184.



Following the failure of negotiations the French, instead of relaxing their hold on the coast, tried to increase it.<sup>1</sup> Vice Admiral Milne, in 1864, informed Sir James Hope, who was to succeed him as commander of the British Navy in North America, that the greatest difficulty he expected over the French Shore was "the growing disposition shown by the French to claim territorial rights not contemplated by the Treaties."<sup>2</sup> Although the British Government did not agree to all the French claims it had no firm policy to counteract that of France.<sup>3</sup> The difference in British and French policy, and the detrimental effect that it had on British settlers on the coast, are best illustrated by the conflict which arose over rights of salmon fishery on the French Shore.

Until 1858 British settlers on the French Shore had been permitted to catch salmon without any interruption from the French.<sup>4</sup> In that year the French, for the first time, claimed a right to the salmon fishery in the rivers within the French limits. They soon began to enforce their claims. In 1861 some English fishermen at St. Anthony complained that the French prevented them from using their salmon nets.<sup>5</sup>

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<sup>1</sup>Thompson, "Background to the Newfoundland Clauses of the Anglo-French Agreement of 1904", p. 102.

<sup>2</sup>Milne to Hope, March 15, 1864, C.O. 194/173, pp. 132-34.

<sup>3</sup>Thompson, op. cit., p. 103.

<sup>4</sup>Bannerman to Newcastle, Confidential, October 22, 1863, C.O. 194/170.

<sup>5</sup>March, superintendant of fishery protection, to Carter, September 2, 1861, Journal of Assembly, 1862, Appendix, pp. 327-29.



Complaints from Newfoundland fishermen against French interference in the salmon fishery increased during the next few years. Governor Bannerman, writing to Newcastle in 1863, warned him that the French claim of a right to the salmon fishery could not be allowed "without conceding a territorial right to a foreign nation--a question of great importance."<sup>1</sup> That same year Milne informed the Admiralty that he thought the British settlers on the French Shore "should not be deprived of those valuable fisheries without some remonstrance or notice on our part."<sup>2</sup> Although Newcastle believed the French had no right to catch salmon in the rivers or to prevent British settlers from doing so,<sup>3</sup> he had no firm policy to counteract French demands. He informed Bannerman that unless larger numbers of British fishermen were interfered with by the French, the question of salmon fishery rights should not be raised for discussion.<sup>4</sup> The French continued to catch salmon and to deprive British settlers on the French Shore of one of their traditional means of earning a living.<sup>5</sup>

Considering the policies of the British and French Government it is not surprising that the control of Newfoundland

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<sup>1</sup>Bannerman to Newcastle, Confidential, loc. cit.

<sup>2</sup>Milne to Admiralty, October 26, 1863, C.O. 194/171, pp. 217-18.

<sup>3</sup>Rogers to Hammond, November 18, 1863, C.O. 194/171, pp. 105-7.

<sup>4</sup>Newcastle to Bannerman, Confidential, December 14, 1863, Despatches from Colonial Office, 1863 Volume.

<sup>5</sup>Hamilton to Hope, July 13, 1864, enclosed in Bannerman to Cardwell, No. 45, August 24, 1864, C.O. 194/172.



over the French Shore was not increased during the Hoyles administration. Newcastle, as has been noted, refused to sanction any fishery act which would either interfere with French rights or prevent sale of bait to them.<sup>1</sup> To protect French rights he also restricted the power of the Newfoundland Government to issue land and mining grants. In 1861 the Imperial Government sanctioned an act passed by the Legislature of the colony to make provision for the sale and lease of unoccupied crown lands. But in a confidential despatch to the Governor, Newcastle warned him "not to be a party (without the authority of Her Majesty's Government) to any grants of Land which would interfere with the rights secured by treaty to the French."<sup>2</sup> The steady increase in the British population on the French Shore during this period led to a growing demand for land grants, as well as for greater control over the coast by the colonial Government. During his service as Administrator<sup>3</sup> of the colony in 1864, Lawrence O'Brien informed the Secretary of State for the Colonies of the desirability of appointing stipendiary magistrates<sup>4</sup> for the French Shore and of collecting revenue there.<sup>5</sup> The British Government, however,

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<sup>1</sup>See above, p. 127.

<sup>2</sup>Newcastle to Bannerman, Confidential, March 9, 1861, Despatches from Colonial Office, 1861 Volume.

<sup>3</sup>An Administrator acted as head of the Government of the colony during the absence of a Governor. The position generally devolved on the President of the Legislative Council.

<sup>4</sup>There was an honorary magistrate at St. George's Bay, but he had little power and received no government salary.

<sup>5</sup>O'Brien to Cardwell, No. 51, October 3, 1864, C.O. 194/173.



continued to prevent Newfoundland from establishing more effective jurisdiction over the French Shore. Few restraints against lawlessness existed. Convinced that the protests of the mainland British colonies against the Fishery Convention of 1857 had influenced the Imperial Government to withdraw it, some Newfoundlanders suggested that the colony should join the proposed federal union of British North America in order to increase its control over the French Shore. They believed that a central government composed of representatives of all the colonies might be strong enough to prevent concessions to France.

The great issue to engage public attention in Newfoundland during the last few months of the Hoyles administration was the proposals for a union of the provinces of British North America. Since the question of confederation was of such importance, and since Hoyles resigned as Premier shortly after it became an issue, the topic will be dealt with in a separate chapter.

Hoyles, like Little, resigned the premiership to accept a judicial appointment. In 1864, Sir Francis Brady, who had served as Chief Justice of Newfoundland for fifteen years, notified the Government that he wished to retire the following year. Bannerman, convinced that Hoyles was well qualified to act as Chief Justice, recommended the Secretary of State for the Colonies to appoint him to succeed Brady.<sup>1</sup> Governor Musgrave, who arrived in Newfoundland later that year, believed

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<sup>1</sup> Bannerman to Cardwell, Confidential, June 27, 1864, C.O. 194/172.



it would be best to appoint as Chief Justice a person not connected with local party politics, but thought "it would be inequitable to Mr. Hoyles . . . to pass over his claims."<sup>1</sup> The Secretary of State for the Colonies accepted these recommendations and in April, 1865, Hoyles resigned his position as leader of the Government to become the Chief Justice of Newfoundland,<sup>2</sup> the first native of the colony to fill that position. His appointment was received with widespread approval in the colony. Musgrave wrote: "his appointment appears to have given unqualified satisfaction to all parties in the colony, whether political or Religious, of this, testimony has been afforded to me to a greater extent than I had anticipated."<sup>3</sup> The chief Liberal newspaper, the Newfoundlander, expressed its approval.<sup>4</sup> This general satisfaction suggests that public confidence in Hoyles had increased during his term as Premier and that the sectarian bitterness which had been rampant in 1861 was much diminished.

The Hoyles Government had made some important achievements, but much remained to be done. Following the riots of 1861 it had succeeded in restoring peace and order and had renewed confidence in the working of responsible government, but St. John's still dominated the political life of the colony.

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<sup>1</sup>Musgrave to Cardwell, No. 17, January 14, 1865, C.O. 194/174.

<sup>2</sup>Minutes of Executive Council, 1861-69, April 15, 1865.

<sup>3</sup>Musgrave to Cardwell, No. 38, April 15, 1865, C.O. 194/174.

<sup>4</sup>Newfoundlander, April 13, 1865.



Although the Government had been able to impose its authority over Labrador, the inhabitants were still not represented in the Assembly and there was no check on lawlessness during the winter months. The colony had not increased its control over the French Shore and settlers there remained unprotected for most of the year. The Government had tried to encourage the fishery and promote agriculture, but its efforts had not been very successful. Large expenditure was still required for poor relief. Except in St. John's and Harbour Grace there had been little improvement in the level of public services. Road building had been neglected and the outports remained largely isolated. Economic conditions were better in 1865 than in 1861, but prosperity still had not returned to the colony.



## CHAPTER V

### THE INTRODUCTION OF THE CONFEDERATION ISSUE, 1864-1867

Before 1864 Newfoundland had little contact with political or other developments in the British colonies on the mainland of North America. Probably the main reason for this was geographic. The majority of the island's population lived on the Avalon Peninsula, the area furthest from the American continent. The west coast of the island, which was nearer the other colonies, was part of the French Shore and over it the Newfoundland Government had no effective control. The people felt more closely attached to England and Ireland than to the North American continent. The Roman Catholic Bishops and some of the clergy came from Ireland. Most of the merchants doing business in the colony regarded Britain as their home and returned there "after acquiring sufficient competence."<sup>1</sup> Newfoundland carried on little trade with the neighbouring colonies. Most of the island's imports came from Britain or the United States. It exported most of its fish and fish-products to Spain, Portugal, Brazil, and the United States. Newfoundland, because of this lack of contact, "was outside of the main currents of political discussion in British North America."<sup>2</sup> A legislative or federal union of all, or some of the North American colonies was widely discussed in most of

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<sup>1</sup>Bannerman to Newcastle, Confidential, December 17, 1859, C.O. 194/156.

<sup>2</sup>R.A. MacKay (ed.), Newfoundland. Economic, Diplomatic and Strategic Studies (Toronto: Oxford University Press, 1946), p. 416.



the mainland provinces during the early 1860's, but received little attention in Newfoundland.<sup>1</sup> In 1864 it became the dominant issue in Newfoundland politics.

Even in Newfoundland the idea of a federation of the North American colonies was not new. Lord Durham in his Report on British North America in 1839 had declared that for Newfoundland and Prince Edward Island union with the other colonies was "absolutely necessary as the only means of securing any proper attention to their interests."<sup>2</sup> In 1858, Newfoundland and the other colonies had received despatches from the Canadian Government, proposing that they request the Secretary of State for the Colonies to authorize a meeting of delegates from each colony to discuss the formation of a federal union.<sup>3</sup> The Canadian Government suggested that delegates should be appointed by the Executive Council of each colony and that they should meet as soon as possible. The Newfoundland Executive Council in its reply expressed no opinion on the subject of federation. It believed that the proposals had originated with the British Government and promised to send representatives to any meeting on the subject authorized by the Secretary of State for the Colonies.<sup>4</sup> Newfoundland's willingness to send delegates

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<sup>1</sup>Musgrave to Cardwell, No. 40, April 19, 1865, C.O. 194/174.

<sup>2</sup>Earl of Durham, Report on the Affairs of British North America (printed by order of House of Commons, February 11, 1839), p. 114.

<sup>3</sup>Head, Governor-General of Canada, to Governor of Newfoundland, September 9, 1858, and enclosures, Miscellaneous Papers and Despatches of the Governor's Office, 1858 Volume.

<sup>4</sup>Bannerman to Lytton, No. 83, October 11, 1858, C.O. 194/153.



may have been an outcome of its friendly attitude toward the mainland colonies, which, the previous year, had joined Newfoundland in opposing the Anglo-French Fishery Convention. The Imperial Government, although it promised to give careful attention to the Canadian proposals, did not favour them. It informed the Governor-General that the question of federation of the colonies was one of "Imperial character", which "properly belongs to the Executive Authority of the Empire, and not that of any separate province to initiate."<sup>1</sup> Since the Maritime Provinces had not yet approved the principle of a federal union, the Secretary of State for the Colonies thought it would be unfair to authorize a meeting on the subject which might commit these provinces to a policy with which they might not agree.<sup>2</sup> The Newfoundland Government, realizing that the Colonial Office was not interested in promoting union and that a federal union would make necessary important changes in the constitution of the colony, refused to express any opinion on the subject.<sup>3</sup> Bannerman believed that until the British Government made specific proposals neither the Executive Council nor the people of Newfoundland would have any interest in the subject.<sup>4</sup> The British Government continued to believe that it should

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<sup>1</sup>Lytton to Head, September 10, 1858, enclosed in Lytton to Bannerman, No. 17, September 10, 1858, Despatches from Colonial Office, 1858 Volume.

<sup>2</sup>Lytton to Bannerman, No. 30, November 26, 1858, Despatches from Colonial Office, 1858 Volume.

<sup>3</sup>Bannerman to Lytton, No. 8, February 24, 1859, and enclosure, C.O. 194/155.

<sup>4</sup>Ibid.



not promote union,<sup>1</sup> although in 1862 it promised not to obstruct a legislative or federal union should the provinces agree to form one.<sup>2</sup> Not until 1864, after all the other colonies had agreed to meet to discuss union, did the issue again arouse the attention of the Newfoundland Government.

Early in that year the Governments of Nova Scotia, New Brunswick, and Prince Edward Island had agreed to send delegates to a conference at Charlottetown in September to discuss a legislative union of the three provinces. Hugh Hoyles, Premier of Newfoundland, heard of the conference while in Halifax that summer and inquired, on his own responsibility, whether Newfoundland might, if she desired, be included in the union.<sup>3</sup> Charles Tupper, Premier of Nova Scotia, in reply, informed Hoyles that "the omission of Newfoundland from the proposed Convention arose mainly from the belief that was generally entertained, that Newfoundland had no wish to become a party to it."<sup>4</sup> Tupper believed that the other colonies would agree to Newfoundland's entering the proposed union and promised to have the question discussed at the conference. He also invited Hoyles to attend the conference as an unofficial delegate. Hoyles declined the invitation as he wished to be in St. John's in September to greet the new Governor, Anthony Musgrave.

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<sup>1</sup>Newcastle to Bannerman, Confidential, January 27, 1860, Despatches from Colonial Office, 1860 Volume.

<sup>2</sup>Newcastle to Bannerman, No. 168, July 6, 1862, and enclosures, Despatches from Colonial Office, 1862 Volume.

<sup>3</sup>Minutes of Executive Council, 1861-69, September 12, 1864.

<sup>4</sup>Ibid.



Before leaving Halifax, however, he requested Tupper to send information on the proceedings of the conference to the Newfoundland Government.<sup>1</sup> The attendance of representatives of the Canadian Government transformed the Charlottetown meetings from a conference on a maritime legislative union to one on a union of British North America. The delegates agreed unanimously on the principle of a federal union and decided to hold a conference in Quebec to discuss it more thoroughly.<sup>2</sup>

The Newfoundland Government received no official report on the Charlottetown conference. Instead, on September 12th, Hoyles received a telegram from John A. Macdonald, Attorney General of Canada, inviting the Government of Newfoundland to send delegates to the Quebec conference on confederation.<sup>3</sup> The Executive Council decided to accept the invitation. Since neither the subject of a federal or legislative union had been considered by the Newfoundland Legislature, the Executive Council considered "it had no authority to commit them by any opinion upon it."<sup>4</sup> The delegates were to have no authority to bind either the Government or the Legislature to any policy on confederation.<sup>5</sup> The Executive Council, believing that confederation should not be made a party question, invited Ambrose Shea, the leader of the Opposition in the Assembly, to be one of the delegates. The expected arrival of Governor Musgrave prevented any member of the Executive Council from

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<sup>1</sup>Ibid.      <sup>2</sup>MacKay, op. cit., p. 417.

<sup>3</sup>Minutes of Executive Council, 1861-69, September 13, 1864.

<sup>4</sup>Ibid.      <sup>5</sup>Ibid.



going to the conference.<sup>1</sup> The Government appointed F.B.T. Carter, Speaker of the Assembly, as representative of the Conservative party. The Administrator of the colony, Lawrence O'Brien, regretted that it was impossible to send a member of the Government, but believed that it would not be serious since the Newfoundland delegates were given only the authority to discuss and report on the proposals for confederation.<sup>2</sup> Carter and Shea left St. John's by steamer for Quebec on September 23rd. Their arrival before that of the delegates from the other Maritime Provinces gave them an opportunity to discuss confederation with the Canadian Government.<sup>3</sup>

Newfoundland's delegation at the Quebec conference differed from those of the other colonies in number and status. Tupper had sent a telegram suggesting that Newfoundland send five delegates to Quebec, but it reached St. John's after Carter and Shea had left for the conference.<sup>4</sup> Hence Newfoundland had only two representatives at the conference compared with five for Nova Scotia, seven for both New Brunswick and Prince Edward Island, and twelve for Canada. Difference in numbers was not a serious disadvantage since each province had one vote, except Canada which was allowed two votes. There was, however, an important difference in status between the Newfoundland delegates and those of the other colonies. Each of the other delegations

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<sup>1</sup>O'Brien to Cardwell, No. 49, September 20, 1864, C.O. 194/173.

<sup>2</sup>Ibid.      <sup>3</sup>MacKay, op. cit., p. 419.

<sup>4</sup>Tupper to Hoyles, September 28, 1864, Journal of Assembly, 1865, Appendix, p. 851.



included the Premier of the colony and other members of the Executive Council. All the delegates from Canada were members of its Executive Council. These delegations could express the views of their respective Governments and could expect their Legislatures to support the proposals they adopted. In contrast, the Newfoundland representatives had only power to discuss, yet they voted at the conference. On October 11th, the delegates unanimously agreed to the resolution introduced by John A. Macdonald, "that the best interests and present and future prosperity of British North America will be promoted by a Federal union under the Crown of Great Britain, provided such union can be effected on principles just to the several provinces."<sup>1</sup> Carter, who had been absent when the vote was taken, on the following day informed the conference of his agreement with the resolution.<sup>2</sup>

Since the Quebec conference was closed to both the press and the public, there is little information available on the discussions. Even less is available on the participation of the Newfoundland delegates or on their reactions to the specific proposals adopted. While in Canada, however, the Newfoundland delegates, like those of the other colonies, made a number of public speeches. In these they indicated their strong support for confederation. Shea, at a public address in Montreal, spoke of union as "charged with so high a mission of grandeur, whose

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<sup>1</sup>Joseph Pope (ed.), Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act (Toronto: The Carswell Company, 1895), p. 6.

<sup>2</sup>Ibid., p. 7; and Royal Gazette, November 1, 1864.



future it was impossible for the wildest imagination to over-estimate."<sup>1</sup> He believed that it would be a great error for Newfoundland not to join the proposed union. Carter, speaking in Quebec shortly after the conference began, expressed the belief that the large majority of the population of Newfoundland would favour joining confederation.<sup>2</sup>

Both delegates believed that Newfoundland would contribute to the strength of the union as well as benefit from it. They were convinced that Newfoundland's entry would be necessary for the defense of Canada. Carter claimed that the trade of Canada could be destroyed if Newfoundland were controlled by a foreign power and concluded that "the stability of Confederation would require Newfoundland."<sup>3</sup> At Toronto he reminded the Canadians that if a navy were required in the future Newfoundland might be able to provide experienced seamen for it.<sup>4</sup> They emphasized that Newfoundland would not be a financial burden to the union. Her public debt was low compared with most of the other colonies, and although interest rates were high in England, the Government of Newfoundland could borrow money there at  $4\frac{1}{2}$  per cent.<sup>5</sup> Carter claimed that the value of Newfoundland's exports was always higher than her imports and that it was possible to raise in the colony all the money required for public improvement.<sup>6</sup> They stressed the importance of Newfoundland's fishery and were optimistic

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<sup>1</sup>Edward Whelan, The Union of the British Provinces (second edition; Toronto: Garden City Press, 1927), p. 115.

<sup>2</sup>Ibid., p. 79.

<sup>3</sup>Ibid., pp. 79-80.

<sup>4</sup>Ibid., p. 192.

<sup>5</sup>Ibid., p. 112.

<sup>6</sup>Ibid., p. 192.



about expansion in mining and agriculture, but did not, in their public speeches, refer to the economic slump which had begun in 1860 and was continuing. Each was certain that trade between Canada and Newfoundland would increase following confederation because both areas would require the products of the other. Shea declared: "Canada has what we want--her agricultural products; and her manufactures which are fast springing up, and for which under a free tariff we should be customers to a considerable amount. . . . She wants our fish and our oil to a certain extent."<sup>1</sup> He believed that Newfoundland could supply Canada with produce from the West Indies as cheaply as any other country. Shea seemed to forget that the other Maritime Provinces would be competing with Newfoundland in supplying Canada with fish and West Indian goods.

In addition to the increase in trade, the delegates believed that Newfoundland would gain other benefits from union. Probably the most important of these was the steam boat service which they assumed would be established both with the mainland and Britain following confederation. Shea believed that "efficient steam communication between Canada and Newfoundland would become a political as well as commercial necessity."<sup>2</sup> He expected that Canadian steamers en route to Britain would call at St. John's. Carter hoped that after confederation the merchants who had amassed great wealth in Newfoundland would

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<sup>1</sup>Newfoundlander, November 17, 1864. The same ideas are given in Whelan, op. cit., pp. 114-15, though the wording differs slightly.

<sup>2</sup>Ibid.



continue to invest their capital there instead of retiring to Britain to spend it.<sup>1</sup> He hoped that Newfoundland's joining the union would destroy religious prejudice and the party rivalry which still existed in the colony, and that it would be united on confederation just as he and Shea were united although they represented different parties. It was probably the views expressed in these speeches which led one Montreal newspaper to praise "the tact and sagacity and the large and enlightened views of Messrs. Carter and Shea . . . [who] seemed moved by one will and one purpose--to guard the interests of Newfoundland, and, at the same time to promote the grand design."<sup>2</sup>

Carter and Shea were unfamiliar with the union proposals and their instructions limited them to the role of discussing and reporting, so it is unlikely that they played a prominent part in the conference. They were probably most interested in the proposals which related to Newfoundland. Of these the most important were representation in the central legislature and the financial terms. Representation in the lower house was to be in proportion to population, and on the basis of the 1857 census, Newfoundland was to have seven members. Shea claimed that Newfoundland should have eight because the population of the island had increased since that date.<sup>3</sup> None of the other delegates objected.<sup>4</sup> Serious difficulty arose over

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<sup>1</sup>Whelan, op. cit., pp. 191-92.

<sup>2</sup>Extract from Montreal Herald, Public Ledger, November 18, 1864.

<sup>3</sup>Pope, op. cit., p. 68.

<sup>4</sup>Ibid.



representation in the upper house. Newfoundland's admission to the conference upset the understanding reached at Charlottetown to give Upper Canada, Lower Canada, and the Maritime Provinces equal representation in the upper house.<sup>1</sup> The Canadians maintained that Newfoundland was included among the Maritime Provinces. The three Maritime Provinces, outnumbered by both sections of Canada in the lower house, disagreed and refused to accept the Canadian interpretation.<sup>2</sup> The Canadian delegates finally conceded to the demands of the Maritime Provinces. It was agreed that the two sections of Canada and the Maritime Provinces should each have twenty-four members and Newfoundland four. The Newfoundland delegates agreed although Newfoundland would have less members in the upper house in proportion to population than some of the other provinces.<sup>3</sup>

The conference decided that the central government would assume the existing provincial debts and liabilities. Since the per capita debt of both Newfoundland and Prince Edward Island was much lower than those of the other provinces, they would receive from the central government "interest at five per cent on the difference between the actual amount of the respective Debts at the time of Union and the average amount of the indebtedness per head of the population of

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<sup>1</sup>Royal Gazette, November 1, 1864.

<sup>2</sup>Report of Delegates, January 21, 1865, Journal of Assembly, 1865, Appendix, p. 870.

<sup>3</sup>Ibid.



Canada, Nova Scotia and New Brunswick."<sup>1</sup> Newfoundland, by this provision, would receive about \$115,000.<sup>2</sup> It was agreed to give the central government unlimited power over taxation, including customs duties, hitherto the main source of revenue for the provinces.<sup>3</sup> To make up for this loss of revenue to the provinces, and to save them from having to impose unpopular direct taxation, the conference decided that the federal parliament would give each province an annual subsidy of eighty cents per head of population, based on the 1861 census. This subsidy, although large enough to meet the needs of the other provinces, would be insufficient for Newfoundland's requirements.<sup>4</sup> To meet her needs it was decided that Newfoundland should transfer control of the ungranted and unoccupied crown lands and minerals to the central government, and would receive in return an annual subsidy of \$150,000.<sup>5</sup> Newfoundland was to retain the right of opening, constructing, and controlling roads and bridges. Shea and Carter considered that this arrangement placed "the question of our means on a satisfactory footing."<sup>6</sup> The financial terms agreed to at the conference would give the Newfoundland Government an annual total of \$369,376 from the federal government.<sup>7</sup> In addition, the federal government would pay about \$150,000 for various departments and services previously paid for by the Newfoundland Government.<sup>8</sup>

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<sup>1</sup>Report of Resolutions Adopted at Quebec Conference, Journal of Assembly, 1865, Appendix, pp. 865-66.

<sup>2</sup>MacKay, op. cit., p. 423.      <sup>3</sup>Ibid.

<sup>4</sup>Report of Delegates, op. cit., p. 871.      <sup>5</sup>Ibid.

<sup>6</sup>Ibid.      <sup>7</sup>Ibid., p. 873.      <sup>8</sup>Ibid.



The Newfoundland Government under these arrangements was expected to have a surplus of about \$124,000.<sup>1</sup> Few other provinces seemed likely to gain greater immediate financial benefits from confederation. Shea and Carter declared that they signed the Resolutions "with the full conviction that the welfare of the colony will be promoted by entering the union . . . and that we cannot reject it without aggravating the injurious consequences of our present isolation."<sup>2</sup>

The sending of two Newfoundland delegates to the Quebec conference led the local press to consider the subject of union for the first time. While the delegates were in Canada the various public speeches they gave were printed in the St. John's newspapers.<sup>3</sup> Early in December, shortly after the delegates had arrived back in the colony, the full report of the Resolutions adopted at the conference was published by the Newfoundland press.<sup>4</sup> The Newfoundlander, the most important Liberal newspaper, supported the proposals although admitting that they required careful study. The Public Ledger, one of the important Conservative newspapers, although pleased over the prospect of confederation, asked for careful scrutiny of the Quebec Resolutions and particularly for the opinion of the

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<sup>1</sup> MacKay, op. cit., p. 424; and Extract from Speech of A.T. Galt, Finance Minister of Canada, November 23, 1864, printed in Reginald G. Trotter, Canadian Federation. Its Origin and Achievement (Toronto: J.M. Dent and Sons, 1924), pp. 120-22.

<sup>2</sup> Report of Delegates, op. cit., p. 872.

<sup>3</sup> Newfoundlander, November 3, 17, and 24, 1864.

<sup>4</sup> Newfoundlander, December 1, 1864; and Royal Gazette, December 6, 1864.



merchants on confederation.<sup>1</sup> Charles Fox Bennett, a prominent merchant and mining speculator who possessed mineral rights over large areas of Newfoundland,<sup>2</sup> promptly expressed his views. In a public letter he declared that confederation might benefit the mainland colonies, but not Newfoundland. Bennett stressed that the railway and canal building required in the other provinces would be extremely expensive and of no advantage to Newfoundland. In his opinion, one of the greatest disadvantages Newfoundland would suffer from joining confederation "would be the sacrifice of our independent legislation and the control of our rich colonial resources for the benefit of that nationality which . . . can confer but few and trifling benefits."<sup>3</sup> The St. John's Chamber of Commerce knew that its interests were deeply involved in the confederation proposals. It requested the Government to supply it with complete and accurate information on the subject,<sup>4</sup> but did not state during 1864 whether it agreed with Newfoundland's entering the proposed union. Bennett, however, continued to denounce confederation. Disliking a retort which E.D. Shea had made to his first public letter on confederation, and disagreeing with one of Shea's editorials claiming that only confederation could

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<sup>1</sup>Public Ledger, November 22, and December 2, 1864.

<sup>2</sup>See below, p. 263.

<sup>3</sup>Bennett to Editor of Newfoundlander, December 2, 1864, Newfoundlander, December 5, 1864.

<sup>4</sup>S. Rendell, President of Chamber of Commerce to Carter, December 6, 1864, Incoming Correspondence of Colonial Secretary's Office, 1863-64.



raise Newfoundland from its economic depression,<sup>1</sup> Bennett wrote another, more lengthy letter to the press. He stressed that Newfoundland, with a total of only twelve representatives in the central legislature, would have little influence there. He emphasized that Newfoundland, being taxed by the central government, would have to pay heavily for the defense of Canada and the other mainland provinces. Taxation, he claimed, would be increased under confederation. Finally, he suggested that confederation would end Newfoundland's close tie with Britain. Until the Imperial Government showed a desire "to cast us Newfoundlanders adrift to seek our own destiny" he, and in his opinion, the large majority of the population of Newfoundland, would "value that alliance too much ever to depart voluntarily from it."<sup>2</sup>

\* Bennett was probably aware that the British Government had not favoured previous suggestions of union and may have expected it to have the same attitude toward the new proposals. But the attitude of the Colonial Office toward the union of British North America had changed,<sup>3</sup> and the British Government gave strong support to the decisions reached at the Quebec conference.<sup>4</sup> The Imperial Government accepted the Quebec

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<sup>1</sup>Newfoundlander, December 8, 1864.

<sup>2</sup>Bennett to Editor of Newfoundlander, December 9, 1864, Newfoundlander, December 12, 1864.

<sup>3</sup>See Whitelaw, op. cit., pp. 268-77, for the factor influencing the Colonial Office to support union.

<sup>4</sup>Cardwell to Monck, December 3, 1864, enclosed in Cardwell to Musgrave, No. 21, December 8, 1864, Despatches from Colonial Office, 1864 Volume.



Resolutions as "the judgement of those best qualified to decide upon the subject . . . for attaining that most desirable result [confederation]." <sup>1</sup> The Secretary of State for the Colonies was particularly pleased that the delegates had decided to establish a strong central government, although also granting the provinces important legislative powers. He advised the Governor-General, and the Lieutenant Governors of the other provinces, to submit the confederation proposals to their legislatures as quickly as possible. Cardwell hoped that the provincial legislatures would agree to the proposals and promised that the British Government would do all in its power for confederation. <sup>2</sup> Late in December, Governor Musgrave received a despatch from the Secretary of State for the Colonies informing him of these views and requesting him "to take the necessary steps for giving effect to them." <sup>3</sup>

Governor Musgrave, who previously had not expressed any opinion on confederation, supported it strongly when he learned that the Imperial Government favoured it. <sup>4</sup> For the information of the public, and probably in the hope of promoting support for confederation in the colony, he immediately published Cardwell's despatch expressing the support of the British Government for union. Musgrave thought that there would be little or no important opposition to confederation in Newfound-

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<sup>1</sup> Ibid.      <sup>2</sup> Ibid.

<sup>3</sup> Cardwell to Musgrave, No. 21, loc. cit.

<sup>4</sup> Musgrave to Monck, December 27, 1864, enclosed in Musgrave to Cardwell, No. 16, December 27, 1864, C.O. 194/173.



land,<sup>1</sup> although he admitted that he could not be certain of the reaction of the Legislature to the proposals until after the session opened on January 28th. He mentioned in a letter to the Secretary of State for the Colonies that the merchants, whom he considered the dominant group in the colony, feared that under confederation the local tariff, which was much lower than the Canadian one, might be increased.<sup>2</sup> He hoped the Canadian Government would be able to counter this fear by a guarantee that there would be no significant change in the existing Newfoundland tariff. One important advantage which Musgrave expected would follow confederation was the combination of the Assembly and the Legislative Council into a single house which, with a greatly reduced membership,<sup>3</sup> would be less expensive than the existing legislature. Musgrave believed that it would be desirable if the legislature were to decide on confederation during the coming session, but expected that it would be guided by decisions made in other provinces. He intimated to the Secretary of State for the Colonies that since the present Assembly would expire in May, with a general election in the autumn, it might be better to delay a decision on confederation until after the constituencies had voted on the issue. This procedure, he thought, would not endanger the acceptance of confederation, but might "remove some excuse for popular clamour to permit reference to be nominally made to the electors."<sup>4</sup>

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<sup>1</sup> Ibid.

<sup>2</sup> Musgrave to Cardwell, No. 16, loc. cit.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



The knowledge that the Imperial Government strongly supported confederation did not diminish public criticism of the project in Newfoundland. Early in 1865, Thomas Glen, a Liberal member of the Assembly, in a public letter warned the people of Newfoundland to consider the consequences of giving the central government absolute control over taxation, and reminded them that they would forever lose sovereign power over their fisheries.<sup>1</sup> Bennett attacked confederation in language designed to alarm the public. He expressed the fear that, under confederation, Newfoundland would be more than doubly taxed, not for its own benefit but to aid the "profligate Canadians whose finances are . . . inadequate to meet their expenditure. With a debt of Sixty-two and a half million dollars!!! and the increased debt they must necessarily incur for their national defences, for their army and . . . navy, a portion of which we should, under the Union, become liable for to the extent of our share."<sup>2</sup> Bennett alleged that the Canadian Government would have the power to make all official appointments in Newfoundland and reemphasized that it would have complete control over the colony's fisheries, lands and minerals. To a people who had depended solely on the British Government for military and naval protection, Bennett's claim that confederation would bring military conscription was, no doubt, especially alarming. He alleged that the Canadian Government would have "the power to

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<sup>1</sup>Glen to Editor of Public Ledger, January 6, 1865, Public Ledger, January 6, 1865.

<sup>2</sup>Bennett to Editor of Newfoundlander, January 9, 1865, Newfoundlander, January 9, 1865.



extract the youth, both married and unmarried, of the able-bodied men of the Colony to shed their blood and to leave their bones to bleach in a foreign land, in defense of the Canadian line of boundary and that of the other provinces."<sup>1</sup> In Bennett's opinion, only the British Navy could protect Newfoundland. Finally, he maintained that Cardwell's despatch promoting confederation had not been meant to apply to Newfoundland. Bennett warned that if the Assembly passed the Quebec Resolutions, the people of Newfoundland would organize themselves to prevent their coming into effect.<sup>2</sup> When E.D. Shea attempted to deny these charges against confederation,<sup>3</sup> Bennett challenged him to inform the public what valid security there was that taxation would not be increased, or that Newfoundlanders would not be drafted if war broke out with the United States.<sup>4</sup> Neither Shea nor any other advocate of confederation could effectively refute these arguments since the Quebec Resolutions did not contain any guarantee against increased taxation or military conscription. Shortly before the opening of the Legislature, R.J. Parsons, editor of the Patriot and a Liberal member of the Assembly, declared that the "distracted social condition" of Canada, resulting from the Orange Society's promoting the scare of Fenianism, should be sufficient "to deter the people of this country from any closer connection with them than they now have."<sup>5</sup>

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.      <sup>3</sup>Newfoundlander, January 12, 1865.

<sup>4</sup>Bennett to Editor of Newfoundlander, Public Ledger, January 17, 1865.

<sup>5</sup>Patriot, January 24, 1865.



Confederation was one of the most important subjects contained in Governor Musgrave's speech opening the Legislature on January 27, 1865. He appealed to the members to study the Quebec Resolutions carefully and calmly and to consider the long range as well as the immediate advantages likely to result from union. The Governor tried to overcome fears that the central government would impose a high customs tariff. The Governor-General, Lord Monck, had informed Musgrave that in his opinion "no apprehension need be entertained in Newfoundland that a system of excessive Import Duties will be introduced."<sup>1</sup> Musgrave admitted that it was impossible for the government of any one province to give any pledge which would be binding upon the government or parliament of the union. "But I am in a position to state," he assured the Legislature, "that, if the decision rested with the members of the present Canadian Administration, their desire would be to arrange the charges in the Tariff so as to meet the views of all the members of the proposed Union."<sup>2</sup>

The Assembly debate on the Speech from the Throne, which lasted from January 27th to February 6th, dealt chiefly with confederation. Many of the Liberal members declared that they were opposed to confederation. Most of their arguments were similar to those which had been raised by Bennett. One new argument, which was to recur frequently in subsequent debate, was that Newfoundland, by uniting with Canada, might suffer from the same "blighting effects" which had been imposed on

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<sup>1</sup>Journal of Assembly, January 27, 1865.

<sup>2</sup>Ibid.



Ireland by its union with England.<sup>1</sup> John Kent, the former Liberal Premier, however, was convinced that Newfoundland would receive great social, political, and commercial benefits by joining confederation.<sup>2</sup> Probably the best speech in support of confederation was that given by F.B.T. Carter, Speaker of the House. He assured the Assembly that confederation would strengthen the British connection and not end it, that the Newfoundland people would not be organized into militia units, and denied that the colony was being sold to Canada.<sup>3</sup> Carter reminded them that Canada would not be the only province in the union. He regarded confederation as "a treaty, which if carried out, would give us all one great country, extending from the Atlantic to the Pacific, in whose ongoing course and prosperity we could participate."<sup>4</sup> If the colony refused to unite with the other provinces, Carter believed it would be useless for Newfoundland, were it again threatened by concessions to France, to appeal to them for assistance. He maintained that by the financial terms Newfoundland would receive an annual revenue higher than the average for the previous ten years.<sup>5</sup> In addition, he reiterated the advantages he had outlined in his speeches while on the mainland. Hoyles, the Premier, although expressing his approval of the confederation proposals, stated that the

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<sup>1</sup>Speech of Parsons, Proceedings of Assembly, January 27, 1865, Public Ledger, February 3, 1865.

<sup>2</sup>Proceedings of Assembly, January 27, 1865, Public Ledger, February 7, 1865.

<sup>3</sup>Proceedings of Assembly, February 2, 1865, Public Ledger, February 10, 1865.

<sup>4</sup>Ibid.      <sup>5</sup>Ibid.



Government did not wish "to press the decision of the House on the question with undue haste."<sup>1</sup> Shea and Carter, the two strongest supporters of union, had lost the optimism which they had had in December when Shea had informed Alexander Galt, Canada's Minister of Finance, that they did "not apprehend any very serious difficulty in the passage of the scheme in our Legislature."<sup>2</sup> They now agreed that confederation should not be pressed during the 1865 session. The Assembly in its reply to the Governor's speech did not express an opinion on confederation.<sup>3</sup>

On the day the Legislature had opened Hoyles had given notice that on February 15th he would move the House into committee of the whole on confederation. Before the Assembly began its detailed committee debate it received two petitions requesting that no decision be made on confederation during the session. The first petition came from the St. John's Chamber of Commerce and was presented to the Assembly on February 13th by F.J. Wyatt, a Conservative member for Bonavista Bay. It claimed that many of the Newfoundland electors had not yet heard that confederation had been proposed and that more information on its probable effects was required before a decision was made.<sup>4</sup> Despite the assurances which had been given that the

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<sup>1</sup>Proceedings of Assembly, January 27, 1865, Public Ledger, February 7, 1865.

<sup>2</sup>Shea to Galt, December 15, 1864, printed in W.G. Ormsby, "Letters to Galt Concerning The Maritime Provinces and Confederation," The Canadian Historical Review, XXXIV (June, 1953), pp. 167-68.

<sup>3</sup>Journal of Assembly, February 6, 1865.

<sup>4</sup>Ibid., February 13, 1865.



tariff under confederation would not be excessive, the Chamber of Commerce was apprehensive. The petition requested that "the House would take no action to bind or pledge either the Government or the Legislature to the proposed union, until information has been obtained which will clearly demonstrate it to be for the advantage of this Colony, nor till an opportunity has been afforded of consulting the people on this important measure."<sup>1</sup> The other petition, containing a similar request, was presented to the Assembly following a public meeting in St. John's.<sup>2</sup> These petitions revealed that most of the leading St. John's merchants opposed union.<sup>3</sup> Largely as a result of these petitions, Hoyles, who had previously intended to introduce a resolution "which, if carried, would have definitely settled the question" of confederation, decided to avoid a decision until the next session.<sup>4</sup>

A few days later when the Assembly resolved itself into committee of the whole on confederation, Hoyles introduced a resolution to postpone a decision on the subject. The resolution stated:

. . . This Committee are of opinion, that having regard to the comparative novelty and very great importance of this project, it is desirable that before a vote of the Legislature is taken upon it, it should be submitted to the consideration of the people at large--particularly as the action of the other Provinces does not appear to require that it should be hastily disposed of, and as

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid., February 20, 1865.

<sup>3</sup>Speech of Wyatt, Proceedings of Assembly, February 13, 1865, Public Ledger, March 7, 1865; and Patriot, February 14, 1865.

<sup>4</sup>Proceedings of Assembly, February 13, 1865, Public Ledger, March 10, 1865.



(the present being the last Session of this Assembly) no unreasonable delay can be occasioned by this course; and they therefore recommend that a final determination upon this important subject be deferred until the next Session of the Legislature.<sup>1</sup>

In his speech opening the debate, Hoyles expressed his complete support for confederation. He believed that within half a century the united colonies of British North America would be one of the world's strongest nations, and that Newfoundland, if it remained outside and continued in isolation, would become bankrupt.<sup>2</sup> He reminded the Assembly that Canada's large public debt had resulted from the development of important public works, while "Newfoundland had only pauperism to show for her debt."<sup>3</sup> In the confederation debate which continued for two full weeks, few new arguments were raised either for or against union.<sup>4</sup> The strongest advocates of union were Ambrose Shea, Carter, Hoyles, E.D. Shea, and Kent. They supported both the principle of union and the Quebec Resolutions. Many of the Assembly members favoured confederation, but wanted minor changes in the Quebec Resolutions. Some of them thought there should be a guarantee that the central government would provide a steam ship service between the mainland, Newfoundland, and Britain. Some members of both political parties, using language which was probably intended to stir up the public, completely condemned confederation. John Kavanagh, a Liberal member for

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<sup>1</sup>Journal of Assembly, March 6, 1865; and Proceedings of Assembly, February 20, 1865, Public Ledger, March 14, 1865.

<sup>2</sup>Proceedings of Assembly, Ibid.      <sup>3</sup>Ibid.

<sup>4</sup>These debates were printed in the Public Ledger, the Newfoundlander, and other local papers.



St. John's, in a speech objecting to confederation, said: "Let our hearts' blood flow to preserve our free constitution under the British flag."<sup>1</sup> Stephen March, a Conservative member for Bonavista Bay, claimed that Canada "was almost insolvent and wanted to pounce on Newfoundland . . . and seize her teeming wealth."<sup>2</sup> He believed that the Newfoundland people "would go to the cannon's mouth" before allowing "this country to be bartered away for a mass of pottage . . . for a paltry £112,000 a year."<sup>3</sup> The Assembly unanimously approved Hoyles' resolution and the debate on confederation ended on March 6th. E.D. Shea claimed that the debate had shown that a majority of the Assembly (sixteen to thirteen) supported confederation, although he admitted some of them wanted modifications in the Quebec Resolutions.<sup>4</sup> He was confident that the strength of the confederates would be increased in the next session.

Governor Musgrave, believing that the confederation proposals would have been defeated had a vote been taken on them during the session, agreed with the resolution Hoyles had introduced.<sup>5</sup> He was certain that it was better to encourage rather than compel the colony to accept confederation and realized the need for caution in promoting it. He informed Cardwell, the Secretary of State for the Colonies, that "a

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<sup>1</sup>Proceedings of Assembly, March 2, 1865, Public Ledger, April 18, 1865.

<sup>2</sup>Proceedings of Assembly, February 22, 1865, Public Ledger, March 21, 1865.

<sup>3</sup>Ibid.      <sup>4</sup>Newfoundlander, March 9, 1865.

<sup>5</sup>Musgrave to Cardwell, No. 35, April 13, 1865, C.O. 194/174.



large proportion of the population are still so ignorant of the subject, or its bearing upon their interests that they could easily be misled by the misrepresentation of the designing among the . . . unscrupulous politicians so numerous in these Colonies, who, if the opportunity were afforded to them, would be ready to use it for grasping at power by persuading the masses that an attempt is being made to deprive them of their liberties."<sup>1</sup> Musgrave thought, however, that if the supporters of confederation were given time to explain it they would be able to dispel much of the misunderstanding which prevailed.<sup>2</sup> Besides, he realized that delay in Newfoundland would not be serious as long as Nova Scotia and New Brunswick failed to adopt the Quebec Resolutions.<sup>3</sup> Despite the opposition which had already been raised in Newfoundland, Musgrave had little doubt that the colony would finally adopt the Quebec Resolutions.<sup>4</sup> Although the Governor was optimistic, there seemed little reason to believe confederation would be approved. Only a few members of the Assembly had indicated their full support for the Quebec Resolutions and many had ardently opposed them.

F.B.T. Carter became <sup>Prime Minister</sup> Premier in April, 1865, after Hoyles resigned to become Chief Justice.<sup>5</sup> Carter, unlike Hoyles,

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<sup>1</sup>Musgrave to Cardwell, No. 40, April 19, 1865, C.O. 194/174.

<sup>2</sup>Musgrave to Cardwell, No. 27, February 23, 1865, C.O. 194/174.

<sup>3</sup>Musgrave to Cardwell, No. 35, loc. cit.

<sup>4</sup>Musgrave to Cardwell, No. 27, loc. cit.

<sup>5</sup>See above, pp. 153-54.



succeeded in forming a Coalition Government. Upon his request, Ambrose Shea and John Kent, the two leading members of the Liberal Opposition, joined the Executive Council.<sup>1</sup> E.D. Shea, another member of the Liberal party, accepted the important position of Financial Secretary.<sup>2</sup> Governor Musgrave, in his despatch informing Cardwell of the Coalition, stressed that it was a denominational compromise designed to end the struggle for religious ascendancy between the Protestants and Catholics and to give the colony a strong and stable Government.<sup>3</sup> He gave no indication that the Coalition was formed in an attempt to promote confederation, or that it had any connection with the issue. Yet, the agreement between Carter and Ambrose Shea on confederation helped to make the Coalition possible. Shea, in a letter to Canada's Finance Minister four months earlier, had admitted that in small colonies like Newfoundland there were "no really different interests to form legitimate causes of separation" between political parties and declared that confederation "will break up our local parties."<sup>4</sup> The Shea brothers and Kent were the three strongest advocates of confederation within the Liberal party. Their joining an administration under the leadership of a pro-confederate Premier seemed likely to promote the adoption of the union proposals. The new Government, however, also contained anti-confederates; not all the members

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

<sup>2</sup>Ibid.      <sup>3</sup>Ibid.

<sup>4</sup>Shea to Galt, December 15, 1864, loc. cit.



of the Executive Council agreed on the issue.<sup>1</sup>

The Canadian Legislature was the only one to adopt the Quebec Resolutions. The British Government, nevertheless, continued to promote confederation. Cardwell had advised Musgrave to encourage the Newfoundland Legislature to decide on confederation as quickly as possible<sup>2</sup> and expressed his regret when he learned that the vote on confederation was to be postponed.<sup>3</sup> The Imperial Government promised a delegation from the Executive Council of Canada, which visited London in June, 1865, that it would use "every proper means of influence to carry into effect without delay the proposed Confederation."<sup>4</sup> Cardwell, complying with this promise, tried to help overcome opposition to confederation in the four Atlantic provinces by informing their Governors that the British Government still strongly desired all the colonies to unite. The Imperial Government, he wrote, believed that the union of the British North American colonies would create an important world power.<sup>5</sup> Cardwell suggested that the British Government would expect the union to help provide its own defense. He was confident that after the four Atlantic provinces had carefully examined the

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<sup>1</sup>Newfoundlander, April 27, 1865.

<sup>2</sup>Cardwell to Musgrave, No. 4, January 24, 1865, Despatches from Colonial Office, 1865 Volume.

<sup>3</sup>Cardwell to Musgrave, No. 15, March 17, 1865, Despatches from Colonial Office, 1865 Volume.

<sup>4</sup>Cardwell to Monck, June 17, 1865, enclosed in Cardwell to Musgrave, No. 31, June 24, 1865, Despatches from Colonial Office, 1865 Volume.

<sup>5</sup>Cardwell to Musgrave, No. 31, Ibid.



confederation proposals they would realize the advantages of union.<sup>1</sup> Governor Musgrave, in an attempt to increase support for confederation in Newfoundland, decided to publish Cardwell's despatch.<sup>2</sup> An editorial in the Patriot indicates that the publication of the despatch had little effect on the opponents of confederation. It claimed that Cardwell did not know much about Newfoundland and that he had been misled to believe that confederation would benefit the colony.<sup>3</sup> The editor declared that the Imperial Government had no right to force Newfoundland into confederation.

The merchants continued to be the leading opponents of union. The St. John's Chamber of Commerce, in its annual report issued in August, 1865, emphasized its opposition to confederation. It realized that confederation would be delayed because of opposition to it in Nova Scotia, New Brunswick, and Prince Edward Island, but feared that when these provinces had accepted union strong efforts would be exerted to include Newfoundland.<sup>4</sup> It claimed that confederation had been devised to solve Canada's political difficulties and to give Canada additional resources to repel United States aggression. It continued to fear heavy taxation for defense and that the central government would impose a high import tariff "which would press with peculiar

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<sup>1</sup>Ibid.

<sup>2</sup>Musgrave to Cardwell, No. 64, July 11, 1865, C.O. 194/174.

<sup>3</sup>Patriot, July 18, 1865.

<sup>4</sup>Report of Chamber of Commerce, enclosed in Musgrave to Cardwell, No. 69, August 19, 1865, C.O. 194/174.



and irregular severity on this Colony which possesses but few manufactures or products of its own . . . and has to supply all its wants by imports from abroad."<sup>1</sup> It was convinced that confederation would not increase Newfoundland's market for fish or aid the development of the colony's other resources. So strong was its opposition to union that the Chamber of Commerce, not satisfied with publishing its views in the local press, requested the Newman Hunt Company to publish its report in a London newspaper. It hoped in this way to show the British public that confederation "is generally regarded as detrimental to the true interests of the Colony, and to counteract . . . efforts made by some British and Canadian Statesmen, and also by the Executive of this Colony acting under imperial influence to carry out the proposed Confederation."<sup>2</sup>

The opposition of the merchants to confederation and their influence over the Newfoundland electors led Musgrave to doubt whether the general election, which was to take place in November, 1865, would result in a majority for confederation.<sup>3</sup> As the time of the election approached, it became obvious that confederation was likely to be defeated. Shortly before the election, John Kent announced to his constituents that because the merchants had disapproved of confederation and the people generally seemed to have accepted their opinion, he would not

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<sup>1</sup>Ibid.

<sup>2</sup>Rendell to Newman Hunt and Company, London, August 8, 1865, Minute Book of Chamber of Commerce, 1860-66.

<sup>3</sup>Musgrave to Cardwell, No. 64, loc. cit.



advocate it in the Assembly.<sup>1</sup> E.D. Shea decided not to run as a candidate in Ferryland, the district which he had represented since 1855, because of the opposition of the electors to confederation.<sup>2</sup> Carter, instead of advocating confederation, promised his constituents that he would not agree to any final decision on the subject until it was first submitted to the electors.<sup>3</sup> The opponents of union, on the other hand, continued to emphasize their abhorrence of the scheme. D.W. Prowse, a supporter of the principle of confederation, referring to the election during an Assembly debate in 1866, charged that the opponents of confederation had used the issue to arouse prejudice and strife.<sup>4</sup> He claimed that in the districts where the majority of the population was of Irish descent, they had endeavoured to arouse prejudice by reminding the people of the union between England and Ireland. In other districts, according to Prowse, they claimed that the confederates were selling the country and that they were being paid for doing so. Prowse also stated that C.F. Bennett, an opponent of confederation though not an election contestant, had visited his district of Burgeo and LaPoile and attempted to get the people to pledge that they would not support him unless he opposed confederation.<sup>5</sup> Bennett and a business colleague, Edwin Duder, warned

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<sup>1</sup>Kent to Electors of St. John's East, September 29, 1865, Patriot, September 30, 1865.

<sup>2</sup>Newfoundlander, November 6, 1865.

<sup>3</sup>Proceedings of Assembly, February 12, 1866, Newfoundlander, February 26, 1866.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.



William Whiteway, candidate for Twillingate and Fogo, that neither they nor the constituents would support him in the election unless he pledged to oppose all attempts of the Legislature to include Newfoundland in confederation prior to another election.<sup>1</sup>

Contests were held in eight of the colony's fifteen electoral districts,<sup>2</sup> but in most of these the rival candidates were not divided on confederation. Placentia was an exception. (There, five candidates were nominated. The three who supported confederation were elected and the two who opposed it defeated.<sup>3</sup> Burin and Bonavista returned confederates and the contests in both were probably fought on confederation. There is no evidence to show that the contests in the other five districts were connected with confederation. There was a contest in St. John's East although all nominees had renounced confederation.<sup>4</sup> Governor Musgrave, fearing election riots in Harbour Grace and Harbour Main, sent a military force to the area. He thought that the antagonism which had been aroused in 1861 might be revived, but did not indicate that confederation was involved.<sup>5</sup> The Carter Government was elected, but

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<sup>1</sup>Bennett and Duder to Whiteway, September 30, 1865, Morning Chronicle, November 11, 1867.

<sup>2</sup>See Appendix C.

<sup>3</sup>Speech of O'Rielly, Proceedings of Assembly, February 15, 1866, Newfoundlander, March 5, 1866.

<sup>4</sup>Patriot, September 30, 1865; and Newfoundlander, October 30, and November 9, 1865.

<sup>5</sup>Musgrave to Cardwell, No. 75, November 14, 1865, C.O. 194/174.



not all its supporters favoured confederation. E.D. Shea claimed that the districts of Burgeo, Burin, Placentia, Brigus, Carbonear, Bay de Verds, and Bonavista, with a total of twelve members, had shown their support for confederation.<sup>1</sup> After the election, Governor Musgrave informed Cardwell that he feared the Assembly would not approve the Resolutions of the Quebec conference, unless the Imperial Government showed its determination to have Newfoundland included in confederation and unless Nova Scotia and New Brunswick also joined.<sup>2</sup> If these provinces agreed to confederation and if the Imperial Government continued to promote it, Musgrave believed that the Newfoundland Legislature might approve the principle of union. Once this were achieved, he thought that it would not be difficult to arrange satisfactory terms. Musgrave informed Cardwell that the Imperial Government by repeating its views on confederation would help to "neutralize the impression, which is sought by some to establish, that Her Majesty's Government have been misled as to the other Provinces and that there is now no present intention of urging further dealing with the subject."<sup>3</sup> Cardwell replied to Musgrave that the British Government's policy on union was unchanged and that it continued to hope that after mature consideration of the union proposals, the provinces would realize the advantages of confederation.<sup>4</sup>

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<sup>1</sup>Newfoundlander, November 20, 1865.

<sup>2</sup>Musgrave to Cardwell, No. 75, loc. cit.      <sup>3</sup>Ibid.

<sup>4</sup>Cardwell to Musgrave, No. 52, December 20, 1865, Despatches from Colonial Office, 1865 Volume.



Assured of continued British support, Musgrave, in the speech opening the Legislative session in January, 1866, emphasized his support for and the desirability of union. He stated:

Believing as I do, that the abstract advantages of union, upon general principles, must be so obvious as to be almost necessarily acknowledged, it would appear that any questions which may be raised can only affect the terms upon which it may be possible equitably to accomplish such a union as would be desirable. . . . That the completion of the Union between the other Provinces is certain, and will only be a matter of time and arrangement, most thoughtful persons are convinced. It may become an affair of vital consequences to this community not to fall into an isolated position in the final settlement, which cannot fail to exercise the greatest influence on the future of all the British Possessions in North America.<sup>1</sup>

The Governor also reminded the Legislature that if the provinces of British North America were united there would be greater hope of renewing the Reciprocity Treaty<sup>2</sup> which, at the request of the United States, was to terminate in the spring of 1866. Finally, he informed the Legislature that the British Government would no longer assume the full cost and responsibility of the defense of the colony.<sup>3</sup> Musgrave emphasized that under confederation defense would be the responsibility of the central government.

Debate on confederation began on February 12th when the committee which had been appointed to draft a reply to the Governor's speech presented to the Assembly its proposed

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<sup>1</sup>Journal of Assembly, January 30, 1866.

<sup>2</sup>See above, p. 14.

<sup>3</sup>Journal of Assembly, January 30, 1866.



clause on confederation.<sup>1</sup> The clause acknowledged the abstract merit of union, but admitted that there was much diversity of opinion over the terms on which Newfoundland could, with advantage, consent to it.<sup>2</sup> Thomas Glen, one of the eight members of the Liberal Opposition, immediately proposed an amendment which completely opposed confederation. Glen's amendment claimed that, by the Quebec Resolutions, Newfoundland would lose all the advantages of a separate government; would have to pay heavy taxes; and would receive from the central government, inadequate financial "compensation for the surrender of our separate Government, and of our revenue from import duties, the surrender of all our ungranted lands, our mines and minerals."<sup>3</sup> Consequently, his amendment maintained that the Quebec Resolutions were completely unsuitable to Newfoundland. Some supporters of the Government, though not willing to endorse the committee's proposal which seemed to imply agreement with union if better terms could be arranged, did not wish to completely reject confederation by supporting Glen's amendment.<sup>4</sup> As a middle course, John Hayward, the Solicitor General, introduced an amendment which did not affirm the principle of confederation.<sup>5</sup> His amendment admitted that there was much diversity of opinion on the subject and indicated

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<sup>1</sup>Proceedings of Assembly, February 12, 1866, Newfoundlander, February 26, 1866.

<sup>2</sup>Musgrave to Cardwell, No. 91, February 20, 1866, and enclosures, C.O. 194/175.

<sup>3</sup>Ibid.      <sup>4</sup>Ibid.

<sup>5</sup>Ibid.; and Proceedings of Assembly, February 16, 1866, Newfoundlander, March 8, 1866.



that the Assembly would carefully study the confederation proposals. During the ensuing debate the Liberal Opposition along with some supporters of the Government opposed confederation.<sup>1</sup> The debate revealed that the Government wished to postpone a decision on confederation. Carter stated that the people needed to be educated on confederation and promised that it would not be forced upon them against their will.<sup>2</sup> The Government and its supporters agreed to Hayward's amendment. Glen's amendment was defeated by a vote of eighteen to six.<sup>3</sup> The Liberal Opposition was so anxious to have the Assembly reject the Quebec Resolutions that Thomas Talbot, one of its members, introduced another amendment.<sup>4</sup> This, too, was defeated by a vote of eighteen to six. Hayward's amendment was approved and became a part of the address in reply to the speech from the Throne. There was less opposition to confederation in the Legislative Council. Its address in reply to the Governor's speech agreed that the policy of union was a sound one although it stressed that important alterations were necessary in the Quebec Resolutions.<sup>5</sup>

Governor Musgrave continued to be optimistic on the success of confederation despite the opposition which had

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<sup>1</sup>Proceedings of Assembly, February 12-16, 1866, Newfoundlander, February 26-March 8, 1866.

<sup>2</sup>Proceedings of Assembly, February 16, 1866, Newfoundlander, March 8, 1866.

<sup>3</sup>Journal of Assembly, February 16, 1866.

<sup>4</sup>Ibid.; and Musgrave to Cardwell, No. 91, loc. cit.

<sup>5</sup>Journal of Legislative Council, February 8, 1866.



been demonstrated against it in the Assembly. He informed Cardwell that he regarded the "principle of the proposed Confederation to have been virtually conceded."<sup>1</sup> After the other provinces had consented to union he thought it would not be difficult to arrange terms suitable to Newfoundland. Musgrave was determined to use all his influence to promote confederation. In his address of thanks to the Assembly on February 20th, he reiterated that it was the policy of the British Government to bring about confederation and warned the members that "minor objections on the part of detached colonies must of necessity give way before the pressure of the more weighty motives of national interest."<sup>2</sup> He advised the Assembly to decide without delay upon terms of union that would be suitable to Newfoundland.

Proposals for further consideration of confederation came not from the Government, but from the Liberal Opposition. G.J. Hogsett notified the Assembly that on February 27th he would move for a committee of the whole on confederation to decide whether the principle and details of the scheme were suitable to Newfoundland.<sup>3</sup> The debate did not begin until March 5th. Hogsett introduced a resolution which completely opposed confederation. His resolution claimed that since Newfoundland had self-government, the Imperial Government could not, as Musgrave had intimated, force the colony to

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<sup>1</sup>Musgrave to Cardwell, No. 91, loc. cit.

<sup>2</sup>Journal of Assembly, February 20, 1866.

<sup>3</sup>Ibid., February 21, 1866.



accept confederation.<sup>1</sup> Carter and the other confederates, though realizing the Assembly would not approve confederation at present, were determined to prevent an adverse vote on the subject. The Premier introduced a resolution which stated that the Assembly considered it inexpedient to make an immediate decision on confederation.<sup>2</sup> On March 8th, it approved Carter's resolution by a vote of eighteen to seven and defeated Hogsett's by a similar majority. Musgrave believed that Hogsett had pressed for a decision largely to embarrass the Government by dividing its supporters, many of whom did not agree upon confederation.<sup>3</sup> He approved the Government's policy of regarding confederation as a nonparty question. Musgrave was still confident that Newfoundland would adopt confederation once the other Maritime Provinces had accepted it. In the address closing the session he announced that the Nova Scotia Legislature had agreed to confederation and was sending delegates to arrange with the Imperial Government suitable terms of union.<sup>4</sup> Musgrave told the members that he expected New Brunswick would make a similar decision and that the Newfoundland Legislature would have to decide on confederation at its next session. Despite Nova Scotia's decision, Musgrave, although not expressing his opinion to the Legislature, believed that none of the colonies would confederate during 1866.<sup>5</sup> He thought

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<sup>1</sup>Musgrave to Cardwell, No. 97, March 21, 1866, and enclosures, C.O. 194/175.

<sup>2</sup>Ibid.      <sup>3</sup>Ibid.      <sup>4</sup>Journal of Assembly, May 1, 1866.

<sup>5</sup>Musgrave to Cardwell, No. 103, May 1, 1866, C.O. 194/175.



that temporary delay on Newfoundland's part would not be serious.

The New Brunswick Legislature approved confederation more quickly than Musgrave had anticipated. The anti-Confederate Government resigned in April, 1866, and in the ensuing general election the Confederate party received a large majority. The Legislature which Governor Gordon opened on June 21st promptly approved confederation and arranged to send delegates to England.<sup>1</sup> Early in July, Governor Williams of Nova Scotia wrote Musgrave informing him that the three mainland provinces were sending delegates to London later that month to arrange with the Imperial Government for an act to bring about confederation.<sup>2</sup> He informed Musgrave that Governor-General Monck hoped that he would be able to call the Newfoundland Legislature together in time to appoint delegates to join those of the other colonies. The Newfoundland Government decided that it would be inadvisable to call a special session of the Legislature since it believed that neither the Assembly nor the constituents would at present approve confederation.<sup>3</sup> Musgrave informed Monck that he thought that neither a dissolution of the Assembly nor a change of administration would promote the adoption of confederation.<sup>4</sup> He declared that it would be best

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<sup>1</sup>Robert M. Dawson, The Government of Canada (second edition; Toronto: University of Toronto Press, 1956), pp. 41-42.

<sup>2</sup>Williams to Musgrave, Confidential, July 5, 1866, Miscellaneous Papers and Despatches of the Governor's Office, 1866 Volume.

<sup>3</sup>Minutes of Executive Council, 1861-69, July 10, 1866.

<sup>4</sup>Musgrave to Monck, July 10, 1866, enclosed in Musgrave to Cardwell, No. 115, July 10, 1866, C.O. 194/175.



to delay a decision until the Legislature met in January, 1867. The action which the Imperial Government might take on confederation during the interval, he believed, would influence its success in Newfoundland.

Opposition to confederation continued in Newfoundland during 1866. Shortly after the Legislature had closed, the editor of one of the Halifax newspapers came to St. John's to try to organize a society to oppose confederation.<sup>1</sup> His first meeting was attended by about fifty people, most of whom were merchants or members of the Assembly. A committee was formed to organize a public meeting and to present to it resolutions against confederation.<sup>2</sup> This anti-confederate committee drafted a petition which repeated all the familiar objections to confederation and requested that no action be taken to include Newfoundland until the question had been submitted to the people in a general election.<sup>3</sup> The petition was presented to Governor Musgrave to forward to the Queen. Musgrave informed Carnarvon, the Secretary of State for the Colonies, that he did not regard the petition "or the manner in which it has been produced, as of any importance nor as indicating with any truth the present state of public feeling."<sup>4</sup> The Newfoundlander stated that most of the people who signed this petition belonged to the districts of St. John's, Trinity, and Ferryland.<sup>5</sup> Later that year, Musgrave received a similar

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<sup>1</sup>Public Ledger, June 29, 1866.      <sup>2</sup>Ibid.

<sup>3</sup>Musgrave to Carnarvon, No. 117, August 7, 1866, and enclosure, C.O. 194/175.

<sup>4</sup>Ibid.      <sup>5</sup>Newfoundlander, September 24, 1866.



petition from Placentia signed by a large number of voters from that district.<sup>1</sup> Musgrave attached little importance to these petitions as he believed that it was easy to induce people to sign them.

It may have been partly because of the petitions against confederation that the subject was not mentioned in the Governor's speech opening the Legislative session of 1867. But perhaps the main reason was that Musgrave had received no communication from the British Government on confederation since the previous session.<sup>2</sup> The British Government had not answered Musgrave's request for it to use greater pressure to induce Newfoundland to accept confederation. In a despatch to Cardwell in February, 1866, he had written:

It seems to me that it would very greatly facilitate the future management of the whole question, so far as this Colony is concerned, if you should be prepared to intimate to the Legislature as a probable consequence of opposition to the Policy of the Imperial Government, and refusal to join in the Confederation it is desired to establish, that, in such case, not only would the Colony be expected to provide for the cost of the Garrison which is maintained at St. John's, but that the annual expense of the ship of war sent for the purpose of protecting the Fisheries must be defrayed from Colonial funds, or a local vessel of war be provided under the powers of the Naval Defense Act. If a section of the community, working upon the ignorance of the mass of the population, should persist in opposing an arrangement which is viewed with favor by the nation, and has received the deliberate approval of the Imperial Government, the proposition would not be unreasonable that Newfoundland should at least also assert her independence from Imperial funds, as well as Imperial control.<sup>3</sup>

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<sup>1</sup> Petition to the Queen, enclosed in Musgrave to Carnarvon, No. 134, January 22, 1867, C.O. 194/176.

<sup>2</sup> Musgrave to Carnarvon, No. 141, February 19, 1867, C.O. 194/176.

<sup>3</sup> Musgrave to Cardwell, No. 91, February 20, 1866, C.O. 194/175.



He repeated this suggestion in two subsequent despatches to the Secretary of State for the Colonies.<sup>1</sup> Blackwood, an official of the Colonial Office, thought Musgrave's suggestion showed that he did not know how to persuade Newfoundland to accept confederation.<sup>2</sup> He believed that the British Government should not attempt to force Newfoundland to join the union. Rogers, Permanent Under-Secretary of the Colonial Office, was more favourable to Musgrave's suggestion.<sup>3</sup> But the officials of the Colonial Office had realized from the time the proposals for confederation were raised that Newfoundland's acceptance was less important to the success of the scheme than that of the mainland colonies.<sup>4</sup> Consequently, Rogers did not think Newfoundland's failure to approve confederation during 1866 was serious.<sup>5</sup> He believed that the best time for Newfoundland to decide would be during the 1867 Legislative session. Rogers suggested that Cardwell should instruct Musgrave to use every opportunity of recommending confederation to the people of Newfoundland.<sup>6</sup> He believed it would be inadvisable at that time to exert pressure on Newfoundland as Musgrave had suggested. Before attempting such a policy, Rogers thought it would be best to learn the views of the delegates who were coming to

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<sup>1</sup>Musgrave to Cardwell, No. 97, March 21, and No. 115, July 10, 1866, C.O. 194/175.

<sup>2</sup>Minute of Blackwood, July 28, 1866, C.O. 194/175, p. 198.

<sup>3</sup>Minute of Rogers, July 31, 1866, C.O. 194/175, pp. 198-99.

<sup>4</sup>Minute of Elliot, March 14, 1865, C.O. 194/174, p. 48.

<sup>5</sup>Minute of Rogers, loc. cit.      <sup>6</sup>Ibid.



London from the other provinces. Nor did he think it would be wise to try to induce Newfoundland to enter confederation until the British Government had time "to consider more completely the bearing of the proposed confederation on the French Fishery question and the mode of adjusting that question most calculated to avoid further disputes."<sup>1</sup> Captain Hamilton, who had spent several summers as senior British naval officer for the protection of the Newfoundland fishery, had earlier reminded the British Government that confederation would probably affect the relations between the English and French, and that a Newfoundland Lieutenant Governor would be much more concerned about local than imperial interests.<sup>2</sup> Rogers believed that before Newfoundland joined confederation "it would be extremely desirable to define as far as possible, relative rights of England and France and to obtain for British officers some sufficient power to compel our people to keep order and respect Treaty rights of the French."<sup>3</sup> The increasing demands from the Newfoundland Government to be allowed to make land and mining grants on the French Shore were likely to make the British Government more reluctant to have Newfoundland enter confederation immediately. The British Government not only declined to follow Musgrave's suggestion to use pressure, but during 1866 and the first part of 1867, he received no indication that it

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<sup>1</sup> Ibid.

<sup>2</sup> Remarks of Captain Hamilton on French Shore, received in Colonial Office, January 21, 1865, C.O. 194/174, p. 459.

<sup>3</sup> Minute of Rogers, January 21, 1865, C.O. 194/174, p. 460.



desired Newfoundland to join confederation.<sup>1</sup>

Governor Musgrave, despite lack of encouragement from the British Government, continued to use his influence to promote confederation. In the speech closing the 1867 Legislative session, he announced that the Imperial Parliament had passed an Act for the union of Canada, Nova Scotia, and New Brunswick.<sup>2</sup> The Act, as he informed the Legislature, contained provision for the admission of Newfoundland as soon as terms could be arranged. Convinced that confederation was the most important subject ever to be discussed by the Newfoundland Government, he appealed to the members to carefully study its possibilities so that at the next session they might make a wise decision. Musgrave admitted to the Secretary of State for the Colonies that even the advocates of confederation wished to see if the union of the mainland colonies would function successfully before making a decision in Newfoundland.<sup>3</sup> They wished especially to see what its tariff policy would be. Despite the failure to discuss confederation during the 1867 Legislative session, Musgrave remained optimistic. He believed public support was increasing. If the Dominion had a low tariff and if it proved to be satisfactory to the uniting provinces, he was confident that Newfoundland would decide to join in 1868.

On July 1, 1867, the Dominion of Canada came into

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<sup>1</sup>Musgrave to Carnarvon, No. 141, February 19, 1867, C.O. 194/176.

<sup>2</sup>Journal of Assembly, April 26, 1867.

<sup>3</sup>Musgrave to Buckingham, No. 147, April 26, 1867, C.O. 194/176.



existence. Most of the motives which had induced the mainland colonies to unite did not apply with equal force to Newfoundland. Protected by the British Navy, it had no fear of an American invasion. Railway building on the mainland would be of no benefit to Newfoundland. With a low debt Newfoundland had no financial difficulties comparable to the three mainland provinces. Since most of its trade was conducted with Britain or foreign countries, Newfoundland could expect few important economic benefits from union. Governor Musgrave, one of the strongest advocates of confederation, admitted that the Quebec Resolutions seemed to offer few practical advantages to Newfoundland. In a despatch to Cardwell in 1866, he declared "that the particular or immediate advantages to be obtained by entering Confederation, it is not easy to demonstrate, however well convinced may be the advocates of Union of the ultimate benefit of the arrangement."<sup>1</sup> The opponents of confederation, depicting in forceful language all the disadvantages which it might produce, found it easy to arouse an uneducated populace. Musgrave and the other confederates had not been able to overcome the opposition. Yet they had managed to prevent the Legislature from voting against union. Newfoundland would be obliged to make a decision on the issue. If the Dominion proved satisfactory to Nova Scotia and New Brunswick; if it had a low tariff; and if Newfoundland could secure from the Federal Government better terms than those provided by the Quebec Resolutions, it seemed possible that Newfoundland might accept confederation.

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<sup>1</sup>Musgrave to Cardwell, No. 115, July 10, 1866, C.O. 194/175.



## CHAPTER VI

### THE CARTER ADMINISTRATION, 1865-1870

Frederick B.T. Carter, who became Attorney General and Premier of Newfoundland in April, 1865, was, like his predecessor, a native of the colony and a lawyer. After being educated at St. John's and London he was called to the Newfoundland bar in the early 1840's. In 1855 he was elected as a Conservative member of the Assembly by the district of Trinity Bay. Carter was reelected in the two following general elections and became Speaker of the Assembly in 1861. During this period he was a prominent member of the Conservative party and by 1865 was considered well suited to become Premier. Governor Musgrave, informing the Secretary of State for the Colonies of the change in the Executive Council in 1865, wrote: "There seemed to be little question of the fitness of . . . Carter . . . to be Mr. Hoyles' successor in the office of Attorney General; and he is the man whom the Protestant body appear naturally to select as their political leader."<sup>1</sup> Carter had not only the confidence of his Conservative colleagues, but was personally popular with many members of the Liberal Opposition.<sup>2</sup> Agreeing with Governor Musgrave that it was undesirable to form a Government which was exclusively Protestant and Conservative, Carter made an immediate attempt to get a number of Roman Catholic Liberals to join the Executive Council. His attempt,

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

<sup>2</sup>Ibid.



as noted previously, was successful and Ambrose Shea and John Kent joined the Executive Council to form a Coalition Government.<sup>1</sup>

Ambrose Shea was born in St. John's and after receiving his education there, became a business manager. He had been a member of the Assembly since 1848 and had served as Speaker from 1855 to 1861. By 1865 he was considered the leader of the Liberal party. D.W. Prowse, a Conservative and contemporary of Shea, claimed that he was "the greatest politician of his party, one of the most able men the Colony has produced, and amongst his co-religionists far away the greatest of them all."<sup>2</sup> Musgrave, in his despatch informing Cardwell of the formation of the Coalition Government, referred to Shea as "a gentleman of much ability, who exercises great influence with his co-religionists."<sup>3</sup> Musgrave seemed less pleased over Kent's joining the Executive Council, but thought it inadvisable to leave him in the Opposition since he was one of its leading members.<sup>4</sup> Kent was appointed Receiver General, an office corresponding to the Minister of Finance today. Shea refused to accept any paid office, perhaps to prove he had not joined the Government to obtain a high salary.<sup>5</sup>

The Executive Council as rearranged by Carter had seven members, the maximum allowed by the constitution. O'Brien,

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<sup>1</sup>See above, pp. 181-82.

<sup>2</sup>Prowse, History of Newfoundland, p. 485.

<sup>3</sup>Musgrave to Cardwell, No. 42, loc. cit. <sup>4</sup>Ibid.

<sup>5</sup>Executive Councillors in charge of Government departments received an annual salary of £500.



President of the Legislative Council and the only Roman Catholic in the Hoyles Government, continued a member.<sup>1</sup> Three of the Protestant Conservatives in the former Executive Council remained in office. The Executive Council was thus composed of four Protestants and three Roman Catholics and represented both political parties. The principle enunciated by P.F. Little in 1854 and by Hugh Hoyles in 1861 that all denominations should have a proportional share in the administration and patronage of the government<sup>2</sup> came into more complete operation following the formation of this Coalition.

Governor Musgrave, who had been convinced of the need for a Coalition Government, was greatly pleased at its formation. He believed that a struggle between the Roman Catholics and Protestants for political domination of the colony had been going on since the introduction of responsible government.<sup>3</sup> Musgrave informed Cardwell that "however plausibly it may have been represented to the contrary, from the inauguration of the new system with Mr. Little's administration in 1855 up to the time of the dismissal of Mr. Kent and his colleagues in 1861 . . . the Roman Catholic influence prevailed; and since that time the Protestant body have possessed the preponderance."<sup>4</sup> In his opinion, Newfoundland had lacked strong Government during the whole period and neither the Liberals nor Conservatives had been able to carry out any important reform which was unpopular. The Opposition had always been strong enough

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<sup>1</sup>See Appendix B.      <sup>2</sup>See above, pp. 22 and 114.

<sup>3</sup>Musgrave to Cardwell, No. 42, loc. cit.      <sup>4</sup>Ibid.



to thwart the useful measures of the party in power. Musgrave was convinced that the Coalition Government would "prove the most effective for good which it has yet been found practicable to establish since the introduction of Responsible Government."<sup>1</sup> He was confident that its formation would prevent the outbreak of riots during elections.

The Coalition received widespread support from the local press. The Newfoundlander, whose editor, E.D. Shea, was the newly appointed Financial Secretary,<sup>2</sup> was strongest in its praise. Shea admitted that both parties in the past had spent more of their "time and effort . . . in rival contentions for power and the furtherance of special interests than in the promotion of those objects of importance to the community at large."<sup>3</sup> He believed that the Coalition was the best way to promote the interests of the colony. The Patriot, which had always been an outspoken critic of the Conservatives, was confident that under the Coalition Government patronage would be distributed impartially. It assured the people that "in the Leader of the new Government they have a gentleman whose proclivities are not of the bigot order."<sup>4</sup> The Newfoundland Express, a prominent Conservative newspaper, supported the policy of coalition. Another Conservative newspaper, the Public Ledger, however, opposed the Coalition and when it first learned that such a Government might be formed, appealed

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<sup>1</sup>Ibid.      <sup>2</sup>See above, p. 182.

<sup>3</sup>Newfoundlander, April 20, 1865.

<sup>4</sup>Patriot, May 9, 1865.



to Carter to "take up his position, and not to yield one iota of it to the greed or ambition of political schemers."<sup>1</sup>

There were no breaches of the peace during the general election which took place in November, 1865, although contests were held in eight districts.<sup>2</sup> Governor Musgrave informed the Secretary of State for the Colonies that the Carter administration "as regards their general policy . . . is unquestionably much stronger than any previously organized since the introduction of Responsible Government."<sup>3</sup> He did not state how many members were expected to support the Government. This was revealed when the Legislature opened in January, 1866. Twenty-two members sat on the Government side of the House.<sup>4</sup> Seventeen of them were Protestant and represented districts which had been Conservative during the period of the Hoyles Government.<sup>5</sup> Five members, including Shea and Kent, were Roman Catholics and represented districts which had returned Liberal candidates since 1855. Eight members of the Liberal party formed the Opposition. Six of them were Roman Catholic and two were Protestant, but all represented districts in which a large majority of the people were Roman Catholic.

The formation of the Coalition Government was discussed

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<sup>1</sup>Public Ledger, April 14, 1865.

<sup>2</sup>Musgrave to Cardwell, No. 75, November 14, 1865, C.O. 194/174.

<sup>3</sup>Ibid.

<sup>4</sup>Speech of Hogsett, Proceedings of Assembly, January 30, 1866, Newfoundlander, February 5, 1866.

<sup>5</sup>See Appendix A.



in the Assembly debate on the Governor's speech at the opening of the Legislature in 1866. Some members of the Opposition criticized it severely. Despite Shea's refusal to accept a paid government office, G.J. Hogsett charged that he and Kent "had bartered the interests of the people of Newfoundland for the benefit of their own pockets."<sup>1</sup> He alleged that the Coalition was a family compact designed to promote the interests of the Sheas and the Kents and as such would not end religious discord.<sup>2</sup> Henry Renouf, Liberal member for St. John's West, denounced John Casey, a representative of that district who had accepted the position of chairman of the Board of Works following the election, for treacherously deserting the party.<sup>3</sup> He condemned Kent and Shea because they had not called a meeting of the Liberal party to consider the Coalition. He denied that they represented the interests of "the Catholic and Liberal party," but claimed that the Opposition did.<sup>4</sup> Thomas Talbot, also a Liberal member for St. John's West, charged that Shea and Kent had been so anxious to gain the influence and wealth that could be attained by a position in the Government that they had "made unmistakable signs that they would not be reluctant to join the other side."<sup>5</sup>

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<sup>1</sup>Speech of Hogsett, loc. cit.

<sup>2</sup>Proceedings of Assembly, February 8, 1866, Newfound-lander, February 19, 1866.

<sup>3</sup>Proceedings of Assembly, January 30, 1866, Newfound-lander, February 5, 1866.

<sup>4</sup>Proceedings of Assembly, February 8, 1866, Newfound-lander, February 22, 1866.

<sup>5</sup>Proceedings of Assembly, February 8, 1866, Newfound-lander, February 19, 1866.



Kent and Shea denied most of these charges and gave their reasons for joining the Coalition Government. Kent stated that he had joined the Government because he believed that "all sectarian differences should be forgotten, and in the distribution of patronage, men should be selected who, from their position, experience and ability, would be able to give a vigorous . . . support to the Government, that while this was done, the various sections of Christians should be fairly dealt with."<sup>1</sup> This arrangement, he was convinced, would give the colony strong government and end the struggle for sectarian ascendancy which had dominated Newfoundland politics for so long. Shea maintained that the people generally approved of the Coalition and that only a few of the more bigoted Roman Catholics and Protestants objected to it.<sup>2</sup> He charged that every member of the Opposition would support the Government if it would give them offices and that Hogsett had been the first person to apply for a position after the Coalition was formed.<sup>3</sup> Shea believed that the colony had advanced beyond sectarian strife and bloodshed and would never again have a Government founded on one denomination.<sup>4</sup>

The Government maintained its large majority throughout the next four years. It lost one of its supporters in a by-election in St. John's in 1866. John Casey, in the by-election

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Proceedings of Assembly, January 30, 1866, Newfound-lander, February 5, 1866.

<sup>4</sup>Proceedings of Assembly, February 8, 1866, Newfound-lander, February 19, 1866.



made necessary by his acceptance of a Government office, was defeated by Peter Brennan, an opponent of the Government.<sup>1</sup> E.D. Shea, in an editorial, attributed Casey's defeat to the mass of misrepresentation preached to the people by members of the Opposition who, he charged, were jealous because they had not received any official position.<sup>2</sup> The strength of the party in power increased to twenty-two in 1868 when John Kavanagh, who had formerly been a member of the Opposition, transferred his support to the Government. The Opposition, in addition to being small, was disorganized and divided. R.J. Parsons, one of its members in the Assembly, in 1866 denounced Hogsett as a "brawler" who had been the cause of "Rapine, murder and bloodshed" in Harbour Main.<sup>3</sup> Thomas Glen, also a member of the Liberal Opposition, in 1869 admitted in a speech in the Assembly that the party had had no recognized leader for the past two or three sessions.<sup>4</sup> He agreed to become its leader only if members would abstain from the violent language they had been using in the Assembly.<sup>5</sup> Hogsett condemned the Coalition Government throughout its term of office. He charged during an Assembly debate in 1868 that the Protestants received over \$70,000 in government patronage and Roman Catholics only \$22,000.<sup>6</sup>

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<sup>1</sup>Newfoundlander, June 4, 1866.      <sup>2</sup>Ibid.

<sup>3</sup>Proceedings of Assembly, February 9, 1866, Newfoundlander, February 26, 1866.

<sup>4</sup>Proceedings of Assembly, February 1, 1869, Express, February 2, 1869.

<sup>5</sup>Ibid.

<sup>6</sup>Proceedings of Assembly, April 21, 1868, Newfoundlander, April 24, 1868.



He complained especially because there was no Roman Catholic judge in the Supreme Court. Judge Little, the only Roman Catholic of the Court, had left the colony on a leave of absence in 1867, intending to resign when his leave expired.<sup>1</sup> Ambrose Shea accused Hogsett of raising this issue in the hope of being appointed to the Supreme Court. He maintained that the Government could not place "a common rowdy" like Hogsett in such an important position.<sup>2</sup> Shea did not deny that the Protestants received most of the patronage, but indicated that the most important principle in its distribution was that the claims of the supporters of the Government could not be overlooked.<sup>3</sup> This principle was followed in the appointment of a judge to succeed Little, perhaps because there was no outstanding Roman Catholic lawyer in the colony to fill the position. It was given to John Hayward, a Protestant and supporter of the Coalition, following the Premier's refusal to accept it.<sup>4</sup> Hogsett denounced this appointment in the Assembly in 1869 and charged that the Roman Catholic constituencies would not permit their interests to be "sacrificed for the Sheas or the Kents."<sup>5</sup> Although the Government may not have distributed patronage to each denomination in rigid proportion to its size there was general satisfaction with its policy despite the complaints

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<sup>1</sup>Musgrave to Buckingham, No. 211, May 20, 1868, C.O. 194/177.

<sup>2</sup>Proceedings of Assembly, April 21, 1868, loc. cit.

<sup>3</sup>Ibid. <sup>4</sup>Musgrave to Buckingham, No. 211, loc. cit.

<sup>5</sup>Proceedings of Assembly, February 5, 1869, Newfoundlander, February 10, 1869.



of Hogsett and a few of his colleagues who seemed jealous because they had received no offices. Governor Musgrave remained convinced of the great importance of the formation of the Coalition Government. When leaving the colony in 1869, he stated: "No circumstance in my official life do I regard with greater satisfaction than that I should have been in any way instrumental in removing party differences based on religious divisions."<sup>1</sup>

The Government announced its general policy to the Assembly in 1866. Shea promised that it would try to govern with economy. Kent stated that the Coalition would "endeavour to apply the experience of its members to the general improvement of the country, to the formation of roads, to the encouragement of education, and to the creation of new modes of fishery."<sup>2</sup> The Government was prevented from effectively implementing these policies because of the lack of prosperity during most of its term of office. The economic depression was less severe than during the first half of the 1860's, but there were few prosperous years during the period of the Carter administration.

The year 1865 was more prosperous than those which immediately preceded it. Governor Musgrave in his speech opening the Legislature in 1866 reported that during the past season an average catch of fish had been secured in most areas and that agricultural production was unusually high.<sup>3</sup> Yet the

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<sup>1</sup>Address to Executive Council, enclosed in Musgrave to Granville, No. 60, July 7, 1869, C.O. 194/178.

<sup>2</sup>Proceedings of Assembly, February 8, 1866, Newfoundlander, February 19, 1866.

<sup>3</sup>Journal of Assembly, January 30, 1866.



Government had a deficit of over \$120,000 for 1865 and the total floating debt of the colony increased to more than \$250,000.<sup>1</sup> Partly in an attempt to reduce this debt, the Government decided in 1866 to increase the customs tariff on imports. The Reciprocity Treaty which had been in effect for the past ten years was to end in March, 1866, and the Receiver General hoped, by imposing duties on certain goods which had been tax exempt during that period, to raise the revenue of the colony to \$600,000, an increase of about \$125,000 over the existing tariff.<sup>2</sup> The Opposition's amendment proposing that the Government, "instead of levying new taxes on the necessities of life of the people", should reduce its estimated expenditure was defeated by a vote of fourteen to six.<sup>3</sup> The policy adopted by the Government achieved its purpose although 1866 was not a prosperous year.<sup>4</sup> The total revenue for that year amounted to more than \$720,000, producing a surplus of nearly \$50,000.<sup>5</sup> This enabled the Government to make a slight reduction in the floating debt although it still remained over \$200,000. The public debt, however, increased by more than \$50,000 and at the end of 1866 amounted to over \$968,000.

The seal fishery in the spring of 1867 was much more successful than it had been in previous seasons and prospects

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<sup>1</sup>See Appendix E.

<sup>2</sup>Proceedings of Assembly, March 6, 1866, Newfoundlander, March 8, 1866.

<sup>3</sup>Journal of Assembly, March 16, 1866.

<sup>4</sup>Ibid., January 31, 1867.

<sup>5</sup>See Appendix E.



seemed bright for a prosperous year.<sup>1</sup> Governor Musgrave, in a letter to the Secretary of State for the Colonies in September, informed him that the cod fishery up to that time had been unusually successful and in many places better than in the last ten years.<sup>2</sup> Less than a month later, at the time when Newfoundland fishermen on the Labrador coast were preparing to return to their homes, a severe gale devastated that area. The Governor in the speech opening the 1868 Legislative session referred to it as a "calamity inflicting severe loss upon many shipowners, depriving numbers of the fishermen and their families of a large part of the produce of the labour of the season, and causing heavy drafts upon the resources of the Government for their relief."<sup>3</sup> This, along with a low price for fish in foreign markets and a high cost of provisions within the colony, reduced a large number of people to poverty.<sup>4</sup> Government revenue for 1867 was more than \$90,000 below what it had been in 1866. The deficit for the year was about \$43,000 and the floating debt increased to over \$268,000. Governor Musgrave reminded the Legislature in 1868 that the financial position of the colony was far from satisfactory and indicated "that considerable addition must be made to the usual revenue, for the purpose of meeting public liabilities, and maintaining public credit."<sup>5</sup> The Government, in an effort to prevent the colony from becoming insolvent, decided to increase the tariff

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<sup>1</sup>Musgrave to Buckingham, No. 171, September 10, 1867, C.O. 194/176.

<sup>2</sup>Ibid.

<sup>3</sup>Journal of Assembly, January 30, 1868.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.



on imports.<sup>1</sup> The Receiver General informed the Assembly that the Government intended to impose duties on almost every article of consumption. Taxes were to be increased on such staple food products as flour, pork, butter, tea, and molasses. The Government hoped by this means to raise sufficient revenue to discharge its current expenditure. In addition to the specific duty on various imported goods, it decided to impose an overall tax of 20 per cent by which it hoped to reduce the floating debt of the colony.<sup>2</sup>

Both the Opposition and the Governor objected to the new tax arrangement. The Opposition introduced a resolution claiming that the new tariff would increase the burden of taxation by \$200,000 and proposed that the Assembly reject it because it would bear heaviest on the labouring population, and because the Government had made no effort to reduce expenditure.<sup>3</sup> The resolution was defeated by a vote of thirteen to seven. Governor Musgrave realized the need for increased taxation, but objected to the method adopted. He was convinced that the high import tariff would only stimulate greater smuggling by the traders visiting the island and he objected to increasing taxation on a pauperized people most of whom found the previous tariff oppressive.<sup>4</sup> Musgrave believed that the Government should have imposed an export duty which "would

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<sup>1</sup>Proceedings of Assembly, March 6, 1868, Newfoundlander, March 11, 1868.

<sup>2</sup>Ibid.      <sup>3</sup>Journal of Assembly, March 11, 1868.

<sup>4</sup>Musgrave to Buckingham, No. 220, June 22, 1868, C.O. 194/177.



have been easy to collect and not easily evaded; while it would have been a contribution to public necessities levied on the only form of realized wealth of any importance in this Colony, including surplus production, from which the working population derive no benefit, while it enriches the large Mercantile Houses whose principals reside elsewhere."<sup>1</sup> The Executive Council had intended to adopt an export tariff, but when it learned that the merchants and some of its supporters in the Assembly opposed the idea, the Executive Council decided to abandon it.<sup>2</sup>

The tariff policy adopted by the Assembly in 1868 proved to be effective, largely because the year was a moderately prosperous one. There was an average catch of codfish both in Labrador and Newfoundland; the potato crop was abundant; and the cost of provisions was lower than in the previous year.<sup>3</sup> Government revenue was over \$860,000,<sup>4</sup> almost \$230,000 higher than in the previous year and there was a surplus of more than \$28,000. The floating debt of the colony was reduced by only about \$10,000 and still amounted to more than \$258,000. The public debt increased by approximately \$60,000 and at the end of 1868 amounted to about \$1,047,600.<sup>5</sup> Despite this increase the Receiver General in 1869 informed the Assembly that the tariff "had stabilized the public credit . . . and . . . had redeemed the colony from the suspicions as to its solvency

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Journal of Assembly, January 28, 1869.

<sup>4</sup>See Appendix E.      <sup>5</sup>Ibid.



which had been rife before its passage."<sup>1</sup> He admitted that the 1868 tariff had been excessive and announced that the Government proposed to discontinue the 20 per cent tax. He expected this would reduce by \$100,000 the amount of taxes the people would have to pay.<sup>2</sup> A motion introduced by the Opposition claiming that the tariff was still higher than necessary and suggesting that the Government reduce its expenditure by nearly \$90,000 was defeated by a vote of fourteen to six.<sup>3</sup>

Economic conditions improved greatly in 1869 which was the most prosperous year of the Carter administration and of the 1860's. There was a good catch in all branches of the fishery; fish prices in foreign markets were high; and the cost of provisions within the colony was moderate.<sup>4</sup> The total value of fish and fish products exported from the island in 1869 was more than \$5,800,000. This was higher than in any other year during the Carter administration and more than \$1,600,000 above the previous year.<sup>5</sup> As a result of this prosperity the Government revenue for the year was almost as high as it had been in 1868 although the tariff had been reduced. The Government, which had reduced its expenditure to about \$166,000 below the previous year, had a current surplus of more than \$183,000.<sup>6</sup> This surplus enabled it to reduce the

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<sup>1</sup>Proceedings of Assembly, March 12, 1869, Newfoundlander, April 2, 1869.

<sup>2</sup>Ibid.      <sup>3</sup>Journal of Assembly, March 22, 1869.

<sup>4</sup>Newfoundlander, December 31, 1869.

<sup>5</sup>See Appendix G.      <sup>6</sup>See Appendix E.



floating debt of the colony which at the end of 1869 amounted to only \$66,514. The public debt of the colony had increased by nearly \$250,000 from 1865 and by the end of 1869 amounted to \$1,161,317. Despite this increase, the debt was much lower than that of the neighbouring colonies at the time they entered confederation and Newfoundland still had no difficulty in raising loans. The Government's financial position and the general prosperity of the colony at the end of 1869 was much better than it had been for many years.

The Government maintained that one of the chief reasons for its financial difficulties was the large expenditure required for poor relief.<sup>1</sup> Attempts to solve this problem by both the Liberal and Conservative administrations had been unsuccessful. Governor Musgrave in a despatch to Cardwell in 1865 informed him that pauperism had increased to an alarming extent since the introduction of responsible government.<sup>2</sup> In that year Government expenditure for relief amounted to about \$130,000<sup>3</sup> although the year was a moderately prosperous one. Musgrave believed that one reason for this increasing expenditure was that the political parties in their struggles for office, prior to the Coalition, had often used relief funds to win votes.<sup>4</sup> In his despatch to Cardwell he suggested that "this great and

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<sup>1</sup>Speech of Receiver General, Proceedings of Assembly, March 6, 1868, Newfoundlander, March 11, 1868.

<sup>2</sup>Musgrave to Cardwell, No. 65, July 19, 1865, C.O. 194/174.

<sup>3</sup>See Appendix F.

<sup>4</sup>Musgrave to Cardwell, No. 65, loc. cit.



tangible evil" whereby "members of the Assembly may purchase popularity with their constituencies by the promotion of their demands for subsistence as paupers" might be overcome by denying the right to vote to people who had received relief. Musgrave believed that some of this corruption would be eliminated if voting rights were denied to illiterate people.<sup>1</sup> He was convinced that it was impossible for the Government under the present system of administering relief to control excess spending and intimated that the Legislature would take some action on the subject in 1866.

The Governor, in his speech to the Legislature in January, 1866, stated that the time was favourable for dealing dispassionately with the problem of poor relief and warned members of the need to adopt "curative measures for an evil which dominates all struggle after social improvement, and overshadows every subject of interest to the common wealth."<sup>2</sup> He expressed his conviction that expenditure would never be reduced as long as the Government distributed relief for the able-bodied poor from its general revenue. The Assembly, in its address in reply to the Governor's speech, promised to study the problem of able-bodied relief.<sup>3</sup> On March 12th it resolved itself into committee of the whole to consider the state of the colony. About a week later the report agreed to by the committee was presented to the Assembly. It claimed that heavy public expenditure for able-bodied relief promoted idleness and

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<sup>1</sup>Ibid.      <sup>2</sup>Journal of Assembly, January 30, 1866.

<sup>3</sup>Ibid., February 16, 1866.



improvidence; absorbed funds which should be spent to improve the country; and threatened the solvency of the colony.<sup>1</sup> But the committee admitted that the poverty of the people for the past few years showed that "the present means of support are not sufficient to provide for their wants."<sup>2</sup> It recommended that the best way to supplement the present industry was to extend agricultural production and suggested that some people who lived on barren parts of the coast and depended solely on the fishery might be removed to areas where the soil was more fertile. To encourage this, the committee advised that the Government should appropriate \$20,000 to be given annually in bounties for agriculture. It believed that increased agricultural production would reduce the need for relief. The committee resolved also that any voter, who, on "any two occasions within the four years preceding any General or Special Election, shall have become the recipient of poor relief, shall be thereby rendered ineligible to vote at either of such elections."<sup>3</sup> A motion introduced by the Opposition proposing that the Assembly refuse to adopt the report was defeated by a vote of sixteen to six.<sup>4</sup>

To bring these resolutions into effect, Ambrose Shea later introduced a Bill to provide for the reduction of pauperism by encouraging agriculture.<sup>5</sup> The Bill guaranteed to poor settlers a bounty of \$8.00 for the first acre of land and \$6.00 for every other acre, up to a total of six, cleared and

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<sup>1</sup>Ibid., March 22, 1866.      <sup>2</sup>Ibid.      <sup>3</sup>Ibid.

<sup>4</sup>Ibid.      <sup>5</sup>Ibid., April 11, 1866.



cultivated.<sup>1</sup> It authorized the Government to distribute bounties for two years, during neither of which was the total amount to exceed \$20,000. The final provision of the Bill stipulated that "no person who shall have received relief, as a pauper, from or out of the public monies, within one year after, or at any time during the year preceding any Election . . . shall be competent to vote at such . . . Election."<sup>2</sup> An Opposition amendment, proposing that this section be expunged from the Bill, was defeated by a vote of seventeen to six.<sup>3</sup> The Bill became law on May 1, 1866. Carnarvon, Secretary of State for the Colonies, when informed of the Act later that year, criticized it. He informed Musgrave that he believed it would attract people with no knowledge of agriculture; that the Government would have to give them the bounty whether the settlers worked hard or not; and that it would increase rather than reduce pauperism.<sup>4</sup> He thought employment of the poor on public works would be far more expedient. Carnarvon, despite his objections, did not recommend the British Government to disallow the Act. He urged Musgrave, however, to inform his advisers of his criticisms. The Executive Council, when it learned of the criticisms, passed a minute upholding the Act. It claimed that only by greater development of resources could

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<sup>1</sup>Musgrave to Cardwell, No. 106, June 11, 1866, and enclosures, C.O. 194/175.

<sup>2</sup>Ibid.; and Royal Gazette, May 8, 1866.

<sup>3</sup>Journal of Assembly, April 25, 1866.

<sup>4</sup>Carnarvon to Musgrave, No. 11, September 17, 1866, C.O. 194/175, pp. 582-89.



pauperism be reduced.<sup>1</sup> Employment on public works would not suffice. Further development of agriculture as an auxiliary to the fishery, the Executive Council believed, would help relieve distress. Musgrave informed Carnarvon that he believed the Act should be left in operation for the two years for which it had been passed.<sup>2</sup> Few people took advantage of the Act; the total expenditure under it for 1866 amounted to only \$196.<sup>3</sup> Relief expenditure for the year was more than \$83,000,<sup>4</sup> still a large amount although much less than that for 1865.

The unsuccessful fishery and the destruction of the potato crop by blight in 1866 resulted in severe and widespread distress as winter approached.<sup>5</sup> Early in December the Governor received an appeal for assistance from eighty-two residents of Ferryland who stated that the mass of the people could not pay the supply merchants and were "unable to procure the most trifling means of subsistence."<sup>6</sup> Later that month the magistrate at Harbour Grace wrote to the Government that the destitution in the area was appalling and that a fever epidemic was spreading.<sup>7</sup> He appealed to the Government for funds to buy food, clothing, and disinfectants. Musgrave in his speech opening the Legislature in 1867 claimed that the Government had tried,

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<sup>1</sup>Musgrave to Carnarvon, No. 125, October 27, 1866, and enclosure, C.O. 194/175.

<sup>2</sup>Ibid.      <sup>3</sup>Blue Book, 1866, p. 27.

<sup>4</sup>See Appendix F.

<sup>5</sup>Journal of Assembly, January 31, 1867.

<sup>6</sup>Royal Gazette, December 11, 1866.

<sup>7</sup>Peters to Bemister, December 24, 1866, Incoming Correspondence of the Colonial Secretary's Office, 1866-67.



as far as its means allowed, to relieve the distress. He admitted that the Government could not afford extensive employment on public works. The Opposition complained that the poor employed on public roads received for their labour only "a scanty allowance of Indian Meal and Molasses" and maintained that they should be paid in cash.<sup>1</sup> The Government probably believed that if the poor were paid in cash many people not needing relief would try to get employment on public works.

The widespread poverty in St. John's induced some of the wealthier citizens to form a Poor Relief Association in February, 1867.<sup>2</sup> During the first week 827 families, totaling 4,135 persons applied for relief.<sup>3</sup> The Association distributed £167 worth of food, mostly bread, meal, molasses, and tea. It reported that hundreds of families were living in a state of semi-starvation, poorly clothed and with little fuel to warm their wretched hovels. The Association was convinced that lack of employment was the main cause of the destitution. It appealed to "all classes and creeds to unite to save from hunger, disease and death the famishing masses of the town."<sup>4</sup> Conditions were almost as bad in some of the outports. Early in May the magistrate at Old Perlican reported that many families had nothing to eat, could get nothing on credit and that the fishermen were unable to fit out for the fishery.<sup>5</sup> The commissioner

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<sup>1</sup>Journal of Assembly, February 7, 1867.

<sup>2</sup>Newfoundlander, February 18, 1867.

<sup>3</sup>Ibid.      <sup>4</sup>Ibid.

<sup>5</sup>Mews to Bemister, May 9, 1867, Incoming Correspondence of the Colonial Secretary's Office, 1867-68.



of the poor at Fogo reported a few days later that 166 families, numbering 1051 persons, were receiving relief there.<sup>1</sup> He stated that people were coming to him from all parts of the district claiming that they could not get credit and were nearly destitute. He was convinced that the people would not let themselves starve, but would break open the stores of the merchants to get supplies. The commissioner reported that he "had enough to do a few days ago to prevent such a catastrophe even after I had given them an order for a week's allowance, for many of those people are very justly exasperated with the merchants for not giving them a little credit, as they now see the merchants would let them starve only for the Government."<sup>2</sup> The poor price for fish and the Labrador gale<sup>3</sup> prevented much improvement in conditions throughout the remainder of the year. In October the Government sent a steamer to Labrador to supply provisions to those who had been left destitute by the storm.<sup>4</sup> Later it sent supplies of flour, meal or molasses to such outports as Burin, Ferryland, Trinity, Bonavista, Fogo, and Twillingate to be distributed among the able-bodied in return for working on roads.<sup>5</sup> John Bemister, Colonial Secretary in the Carter Government, instructed the magistrate at Burin and persons responsible for the distribution of relief in other

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<sup>1</sup>Fitzgerald to Bemister, May 13, 1867, Incoming Correspondence of the Colonial Secretary's Office, 1867-68.

<sup>2</sup>Ibid.      <sup>3</sup>See above, p. 212.

<sup>4</sup>Bemister to Knight, October 18, 1867, Letter Books of the Colonial Secretary's Office, 1867-69.

<sup>5</sup>Letter Books of the Colonial Secretary's Office, 1867-69, pp. 100-106.



communities that "the rate of wages and the quantity of food to be given must be the smallest possible consistent with the preservation of life."<sup>1</sup> The Assembly in 1868 passed legislation providing that the Act for the reduction of pauperism should continue in operation until the end of the 1870 session of the Legislature.<sup>2</sup> But it took no new action on the problem of pauperism. Throughout the winter the Government was obliged to continue sending food or money to the outports to relieve distress. The expense was becoming alarming. In late February Bemister informed the magistrate at Harbour Grace that "the means of the Colony are utterly gone and it can only permit relief for preservation of life."<sup>3</sup> Early in May the Government informed the magistrate at Brigus and those in other communities that it had no funds to continue supplying the able-bodied poor.<sup>4</sup> In June the Governor, on the advice of the Executive Council, issued a proclamation stating that, because of the increase in demand for able-bodied relief and the inability of the Government to prevent corruption in relief spending, it would in future confine its aid to "Sick and Infirm, and to Destitute Widows and Orphans."<sup>5</sup> The Government announced also that it could not afford to distribute seed potatoes

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<sup>1</sup>Bemister to Stipendiary Magistrate, December 3, 1867, Letter Books of the Colonial Secretary's Office, 1867-69.

<sup>2</sup>Royal Gazette, May 12, 1868.

<sup>3</sup>Bemister to Peters, February 22, 1868, Letter Books of the Colonial Secretary's Office, 1867-69.

<sup>4</sup>Bemister to Wilcox, May 13, 1868, Letter Books of the Colonial Secretary's Office, 1867-69.

<sup>5</sup>Royal Gazette, June 16, 1868.



that spring.<sup>1</sup> It received urgent petitions for able-bodied relief from the districts of Trinity and Ferryland in December, 1868, but refused to grant the requests.<sup>2</sup> Despite this policy, expenditure for relief for the year amounted to more than \$100,000, over \$12,000 above what it had been in 1867.<sup>3</sup>

Governor Musgrave, in his speech opening the Legislature in January, 1869, reaffirmed the intention of the Government to adhere to its proclamation on relief.<sup>4</sup> In the Assembly debate on the speech many of the Government supporters spoke in favour of this policy. D.W. Prowse complimented the Government on implementing such an unpopular measure at a period when a general election was only about a year away.<sup>5</sup> Thomas O'Rielly, a member for Placentia and St. Mary's, who supported the Government, claimed that six people in his district had died from starvation and appealed for a small amount of relief.<sup>6</sup> The Opposition objected to the policy and introduced a motion condemning the Government for taking no measures to relieve distress among the poor.<sup>7</sup> The motion was defeated and the

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<sup>1</sup>Letter Books of the Colonial Secretary's Office, 1867-69, p. 223.

<sup>2</sup>Bemister to Sweetland, December 23, 1868, Letter Books of the Colonial Secretary's Office, 1867-69; and Morning Chronicle, January 9, 1869.

<sup>3</sup>See Appendix F.

<sup>4</sup>Journal of Assembly, January 28, 1869.

<sup>5</sup>Proceedings of Assembly, January 28, 1869, Newfoundlander, February 2, 1869.

<sup>6</sup>Proceedings of Assembly, February 4, 1869, Newfoundlander, February 10, 1869.

<sup>7</sup>Journal of Assembly, February 16, 1869.



Assembly, by a vote of eighteen to eight, expressed the hope that "the Executive may be successful in its efforts to suppress the demoralizing system of able-bodied pauper relief."<sup>1</sup> The Governor, in his speech closing the session on April 23rd, stated that although no able-bodied relief had been issued during the winter no widespread or severe suffering occurred.<sup>2</sup> He claimed that private charity had been organized to meet the needs of the able-bodied poor. Governor Musgrave hoped that no future administration would depart from the principle which the Carter Government had successfully established. It seems unlikely that relief to the able-bodied poor was denied as completely as Musgrave claimed since total Government expenditure on this account for 1869, a prosperous year, was about \$92,700.<sup>3</sup> The Government may have suppressed some of the abuses in the system, but it had not solved the problem of poor relief. As long as the mass of the people relied on such a precarious industry as the fishery in which they were employed for less than half the year, there was certain to be recurring demands for Government assistance.

The Carter administration continued most of the policies adopted by former Governments to encourage and protect the fishery, but made little new effort to promote the industry. It continued sending officials to Cape St. John, the Labrador coast, and Belle Isle to prevent French fishermen from encroaching on Newfoundland fishing grounds.<sup>4</sup> It offered the

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<sup>1</sup>Ibid., February 17, 1869.

<sup>2</sup>Ibid., April 23, 1869.      <sup>3</sup>See Appendix F.

<sup>4</sup>Journal of Assembly, 1870, Appendix, p. 110.



bounty for the mackerel and bank fishery for two years and withdrew it probably because few fishermen had taken advantage of it. The Government also spent small sums of money for protecting the herring and salmon fishery.<sup>1</sup> The Opposition in 1866 introduced a bill to prevent the use of trawls and cod nets in the cod fishery.<sup>2</sup> These methods of fishing had been objected to during the Hoyles administration. The Assembly, after considering the bill in committee of the whole, decided to accept it, but because the Legislative Council objected to certain provisions it did not become law. This bill was again introduced in 1868, but was defeated on its second reading by a vote of eleven to eight.<sup>3</sup> A bill to regulate the panning of seals introduced that year was referred to a select committee<sup>4</sup> which made no report.

The need for greater care in catching and curing fish was stressed throughout the period. Governor Musgrave, in his speech opening the Legislature in 1866, stated that the value of the herring fishery would increase if greater attention were given to catching, curing, and packing. He advised the Legislature to consider the possibility of adopting regulations for this purpose. The St. John's Chamber of Commerce in its annual report in 1868, and again in 1869, urged the importance of greater care in curing codfish.<sup>5</sup> It deplored the neglect

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<sup>1</sup>Blue Book, 1866, p. 27; and Ibid., 1868, p. 27.

<sup>2</sup>Journal of Assembly, April 12, 1866.

<sup>3</sup>Ibid., March 26, 1868.

<sup>4</sup>Ibid., February 14, 1868.

<sup>5</sup>Royal Gazette, August 11, 1868; and Ibid., August 10, 1869.



in curing and packing both herring and salmon. The Chamber warned that "past negligence in this respect has very materially damaged the character of Newfoundland produce abroad, and has much assisted the competition of our Norwegian rivals in displacing us from markets of which we formerly had an almost exclusive possession."<sup>1</sup> The Government, however, adopted no regulations to try to improve the quality of the fish exported from the colony.

✓ The inability of the fishery to support the needs of the colony became more apparent during the Carter administration than in preceding years. In 1869, a year in which the fishery was successful, the amount of codfish exported was over 500,000 quintals below the amount for 1857.<sup>2</sup> The total value of fish and fish products exported in 1869 was about \$2,000,000 lower than it had been twelve years before. The population of the colony during this period increased from 122,638 to 146,536.<sup>3</sup> The need to develop other resources of the colony to supplement the fishery was greater than ever before.

The Government, as we have noted, passed legislation to encourage agriculture by giving bounties for clearing and cultivating land.<sup>4</sup> The number of people taking advantage of the Act and the amount of money spent under its provisions increased. In 1866 eight people received bounties at a cost of less than \$200.<sup>5</sup> During 1869 the Government spent \$2,262 on

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<sup>1</sup>Ibid., August 10, 1869.      <sup>2</sup>See Appendix G.

<sup>3</sup>See Appendix D.      <sup>4</sup>See above, pp. 218-19.

<sup>5</sup>Journal of Assembly, 1867, Appendix, p. 108.



the Act, with bounties being given to about 235 people.<sup>1</sup> The Government continued to encourage sheep and cattle raising. In 1866 the Legislature decided to amend and continue the Act preventing destruction of sheep and cattle by dogs.<sup>2</sup> The Government provided an annual grant of over \$1,100 for the St. John's Agricultural Society and about \$460 for a similar association which had been established in Conception Bay.<sup>3</sup> Despite this encouragement of agriculture the value of the industry increased only slightly during the 1860's. The number of sheep in the colony more than doubled between 1857 and 1869 and the production of potatoes increased, but there was a decline in the number of acres under cultivation and also in the number of cattle.<sup>4</sup> Newfoundland was still unable to supply most of its agricultural requirements.

The value of mining in the colony increased greatly during the period of the Carter administration and, although the industry was still not a large one, it was more important than ever before. In 1865 Governor Musgrave informed Cardwell that Charles Fox Bennett, who had spent large sums of money prospecting for minerals, had discovered what seemed to be rich veins of copper at Tilt Cove on the north-east coast of the island.<sup>5</sup> Musgrave hoped that the development of mineral

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<sup>1</sup>Ibid., 1869, Appendix, pp. 94-101.

<sup>2</sup>Royal Gazette, May 27, 1866.

<sup>3</sup>Journal of Assembly, 1867, Appendix, p. 8.

<sup>4</sup>Newfoundland Census, 1857 and 1869.

<sup>5</sup>Musgrave to Cardwell, No. 65, July 19, 1865, C.O. 194/174.



resources would increase and provide employment for the surplus population. By 1867, when Governor Musgrave visited Tilt Cove, Bennett was successfully operating a copper mine there.<sup>1</sup> He had begun exporting the copper in 1866 and by September, 1867, over 2,000 tons had been shipped. Musgrave reported that shipments to England sold for about £10 per ton and that Bennett expected that a quantity worth from £80,000 to £100,000 would be exported by the end of 1867.<sup>2</sup> Nearly two hundred persons were employed in the mine and the community, which had not been in existence three years earlier, had a population of about five hundred in 1867. The Governor referred to the success of the Tilt Cove mine in his speech opening the Legislature in 1868 and stated that it was "gratifying to notice the general prospect opening to the community from development of mineral resources which the Colony is believed to possess."<sup>3</sup> The success of Bennett's mine and the annual reports of Alexander Murray, whom the Government continued to employ in conducting a geological survey of the island, stimulated interest in the mineral resources of the colony.<sup>4</sup> Although the Tilt Cove mine was the only one opened during this period, there seemed to be a growing confidence that the colony possessed great mineral wealth which would be developed and would relieve dependence on the fishery.

The Carter administration, despite its financial

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<sup>1</sup>Musgrave to Buckingham, No. 171, September 10, 1867, C.O. 194/176.

<sup>2</sup>Ibid.

<sup>3</sup>Journal of Assembly, January 30, 1868.

<sup>4</sup>Ibid.



difficulties, granted large sums for education--the yearly grant being an average of about \$64,000.<sup>1</sup> The results of this expenditure were not completely satisfactory. Governor Musgrave in 1868 informed the Secretary of State for the Colonies that although "the Legislature of this Colony has made very liberal provision for Education . . . results are far from commensurate with the expenditure."<sup>2</sup> He attributed this partly to the religious divisions in the colony. Musgrave stated that the Roman Catholic church insisted upon almost complete control over schools belonging to her communion. The Protestants, although demanding less independence from Government control, were divided by denominational jealousies which made the actions of mixed boards of education for Protestant schools uncertain and contentious.<sup>3</sup> The number of children attending school in the colony increased by only a little more than 2,100 between 1857 and 1869.<sup>4</sup> In the latter year there were 16,249 children in school, but over 18,800 were not attending any school. The Governor believed that the widespread distress which had prevailed in the colony for a number of years was the chief reason why many fishermen took no interest in educating their children. "Persons without sufficient food, indifferently clad and numbed by cold", he informed the Secretary of State for the Colonies, "are scarcely in a state to appreciate highly the

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<sup>1</sup>See Appendix F.

<sup>2</sup>Musgrave to Buckingham, No. 217, June 10, 1868, C.O. 194/177.

<sup>3</sup>Ibid.

<sup>4</sup>Newfoundland Census, 1857 and 1869.



future advantages of education to their children."<sup>1</sup>

One of the largest items of expenditure of the Carter administration was for constructing and repairing roads and bridges. The grant was increased from about \$46,500 in 1865 to more than \$152,000 in 1868.<sup>2</sup> Although the grant was reduced to \$86,500 in 1869, the average yearly expenditure for roads and bridges was higher than during any previous administration. By 1869 a system of rough roads had been built connecting some of the larger settlements around Conception Bay and other parts of the Avalon Peninsula with St. John's.<sup>3</sup> Settlements along other parts of the coast remained largely unconnected by roads and none had been built into the interior of the island. During the Carter administration the idea of building a railway across Newfoundland was considered for the first time. In 1864 Sandford Fleming, railway engineer with the Canadian Government, had suggested that the construction of a railway across Newfoundland "as part of a transatlantic line of communication" would be "both feasible and advantageous to the interests of both sides of the Atlantic."<sup>4</sup> Since Newfoundland was much nearer to Europe than other parts of the North American continent, it was thought that a railway as a continuation of the mainland systems would reduce the time of travel between the two continents. The railway building

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<sup>1</sup>Musgrave to Buckingham, No. 217, loc. cit.

<sup>2</sup>See Appendix F.

<sup>3</sup>Report of Inspector of Roads, 1869, Journal of Assembly, 1870, Appendix, pp. 528-46.

<sup>4</sup>Journal of Assembly, April 27, 1868.



being carried on in the neighbouring colonies and the importance of the railway in the confederation discussions probably stimulated further interest in Newfoundland. In 1868 the Assembly resolved itself into committee of the whole to discuss the question of constructing a railway from St. John's to St. George's Bay.<sup>1</sup> It adopted a resolution stating "that in the event of a bona fide Company being organized, and the said work entered on, to the satisfaction of the Government of this Colony, within two years from the first June next, the said Company shall be entitled to receive grants in fee of the land on which the said line of Railway is to be built, and also grants to the extent of five miles on each side of said line, together with the Timber and Minerals that may be found on or in the same."<sup>2</sup> The resolution was sent to the Legislative Council where it was adopted without amendment.<sup>3</sup> The offer was not taken by any company and the Carter Government made no further effort to promote the project. There seemed to be little public interest in a railway at this time and it was more than a decade later that railway construction began in the colony. Boats were still the main means of transportation along most parts of the coast. The Government continued to employ a steam boat to carry mail and passengers between St. John's and the outports.<sup>4</sup>

One of the most important events during the period of

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Journal of Legislative Council, April 28, 1868.

<sup>4</sup>Journal of Assembly, 1870, Appendix, p. 619.



the Carter administration was the successful laying of the Atlantic telegraph cable. In 1858 and again in 1865 attempts had been made to lay a cable between Ireland and Newfoundland, but both had been unsuccessful.<sup>1</sup> The S.S. Great Eastern, in the summer of 1866, not only succeeded in laying a cable between Ireland and Hearts Content, Newfoundland, but recovered the end of the one which had been lost in 1865 and finished laying it.<sup>2</sup> About ten years earlier Newfoundland had been connected by telegraph with Nova Scotia by a cable which crossed the Cabot Strait and followed an overland route from Cape Ray to the east coast of the island.<sup>3</sup> This line did not work satisfactorily and in 1867 was replaced by a cable connecting Sydney, Nova Scotia with Placentia in eastern Newfoundland.<sup>4</sup> The establishment of telegraph communication between the continents of Europe and North America, as Governor Musgrave emphasized in his speech to the Legislature in 1867, brought Newfoundland into closer contact both with the United Kingdom and the neighbouring colonies.

The Carter administration continued to collect revenue at Labrador and to send a circuit court to the coast each summer, but made no effort to further consolidate control over the area. The number of fishing vessels visiting the Labrador

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<sup>1</sup> Journal of Assembly, January 27, 1859; and Newfoundlander, August 10, 1865.

<sup>2</sup> Musgrave to Carnarvon, No. 121, September 18, 1866, C.O. 194/175; and Newfoundlander, July 30, and September 3, 1866.

<sup>3</sup> Prowse, History of Newfoundland, pp. 640-41.

<sup>4</sup> Newfoundlander, September 6, 1867.



coast from the United States, Nova Scotia, and Canada was declining, but thousands of fishermen from Newfoundland continued to visit the coast each summer to engage in the cod, herring, and salmon fisheries.<sup>1</sup> The judge visiting the coast reported in 1867 that "the fisheries at Labrador have been increasing for several years past, until they now have attained an extent of such importance that Newfoundland could not sustain itself without them."<sup>2</sup> Fishermen in search of new fishing grounds began to press further northward along the coast. The resident population, which by 1869 had increased to 2479 on the most settled part of the coast, the area between Blanc Sablon and Cape Harrison,<sup>3</sup> was not represented in the Newfoundland Assembly and for most of the year there was no official on the coast to enforce law and order. In 1867 there was only one resident clergyman and no doctor on that long coastline. There were four schools on the coast in 1869, but two of them remained open only during the summer.<sup>4</sup> Except in the summer months the inhabitants on the coast had no contact with Newfoundland or the rest of the world.

Problems relating to the French territorial and maritime rights in Newfoundland, after being in the background during the period of the Hoyles Government, came to the fore again

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<sup>1</sup>Report of Pinsent, November 27, 1869, Journal of Assembly, 1870, Appendix, pp. 501-6.

<sup>2</sup>Report of Pinsent, December 20, 1867, Journal of Assembly, 1868, Appendix, p. 549c.

<sup>3</sup>Report of Pinsent, November 27, 1869, loc. cit.

<sup>4</sup>Ibid.



during the Carter administration. They arose as a result of the inability of the Newfoundland Government to make land or mining grants on the French Shore because of restrictions laid down by the Imperial authorities in 1861.<sup>1</sup> O'Brien, while serving as Administrator of the colony in 1864, wrote to Cardwell to inquire whether there would be any objection to his issuing a land grant to a settler on the French Shore.<sup>2</sup> As already noted, O'Brien had urged the need to appoint magistrates and collect revenue on the French Shore.<sup>3</sup> In his reply in October, 1865, Cardwell advised that as long as the fishing rights of the two nations remained in dispute it would be inexpedient to make land grants on the French Shore.<sup>4</sup> He stated that he would be willing to "consider any proposal for the appointment of a judicious person to act as Magistrate in that part of Newfoundland provided it is clearly understood that his proceedings will be under the personal control of the Governor."<sup>5</sup>

Governor Musgrave in his reply to this despatch stressed the urgent need of reaching a decision on the rights of the respective nations on the French Shore. He reported that the resident population at St. George's, Bay of Islands, Cod Roy, White Bay and other places on the French Shore was growing rapidly, and that he had recently received a petition from

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<sup>1</sup>See above, p. 152.

<sup>2</sup>O'Brien to Cardwell, No. 51, October 3, 1864, C.O. 194/173.

<sup>3</sup>See above, p. 152.

<sup>4</sup>Cardwell to Musgrave, No. 44, October 7, 1865, Despatches from Colonial Office, 1865 Volume.

<sup>5</sup>Ibid.



the "more influential among them praying for the appointment of a Magistrate, and other measures of like character and expressing willingness to contribute to the Revenue for these purposes."<sup>1</sup> Musgrave admitted that it might have been feasible to remove the fixed settlements from the Shore in 1783 when the British Government, by the Declaration accompanying the Treaty of Versailles, had promised to do so, but he assured Cardwell that it was now impossible to remove the population. "In that case," he asked Cardwell, "are they to be acknowledged as free from the obligation of any laws? or, if legally subject to those of Newfoundland, are they not entitled to expect from the local Government . . . provision of the necessary means for their administration?"<sup>2</sup> He believed that the Newfoundland Government would refuse to appoint and pay the salary of magistrates for the Shore unless its jurisdiction over the coast was formally acknowledged. He feared that to let the area continue in its present lawless state might result in a "National scandal".<sup>3</sup> Musgrave emphasized the valuable economic resources on the western part of the French Shore and the great disadvantage to Newfoundland of not being able to develop them. The west coast, as he informed Cardwell, had some of the best agricultural land and timber resources in the colony and it was believed to be rich in minerals.<sup>4</sup> He reminded Cardwell that the Newfoundland Government had received applications for land grants and licenses to search for minerals on

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<sup>1</sup> Musgrave to Cardwell, No. 76, November 24, 1865, C.O. 194/174.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



the French Shore. "It is obvious," he wrote, "that all endeavour to utilize these materials for prosperity and progress must be abandoned if an objection in perpetuity is to be admitted against the settlement and legal government of the territory adjoining the French Shore."<sup>1</sup> Musgrave informed Cardwell of Sandford Fleming's report to the Canadian Government in which he had suggested building a railway across Newfoundland to shorten travel time between Europe and America. The western terminal of the railway would be on the French Shore. If Canada and other countries became interested in this project, Musgrave believed it would be more difficult to solve problems relating to the French Shore. He believed that it would be impossible to avoid much longer settling the question of appointing officials and issuing land and mining grants and suggested that they would "be more calmly considered and reasonably settled when there is no heat of discussion concerning the fisheries."<sup>2</sup>

The Legislature, during the 1866 session, did not discuss these problems, largely because of Musgrave's influence,<sup>3</sup> but during the remainder of the year Newfoundland continued to urge upon the British Government the importance of settling them. In June Musgrave forwarded to Cardwell a minute passed by his Executive Council complaining against its inability to issue mining and land grants on the French Shore. The Executive Council claimed that the promise of the British Government in the Declaration accompanying the Treaty of Versailles to remove

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Musgrave to Cardwell, No. 107, June 11, 1866, and enclosure, C.O. 194/175.



fixed settlements applied only to fishing establishments and that settlements for mining and agricultural and other purposes could not be prevented on the French Shore as long as they did not interrupt the French in pursuing the fishery.<sup>1</sup> It maintained that this was a territorial right which had never been conceded to the French. The Executive Council claimed that this right could never be conceded by the British Government unless Labouchere's guarantee of 1857 were violated. It suggested that "all apparent difficulty would be removed by reserving in any grant made within the limits of the French Shore such fishing rights as the French can enjoy under the treaties between the Nations."<sup>2</sup> Governor Musgrave, wishing to gain personal information on the French Shore, left St. John's early in July to visit the area.<sup>3</sup> His observations led him to reemphasize the need to make some provision for maintaining law and order on the Shore.<sup>4</sup> Musgrave reminded the British Government again of the valuable resources there and mentioned that such minerals as marble, coal, copper, lead, petroleum, and gold were believed to exist in the area.<sup>5</sup> Later in the year, Charles Fox Bennett, who, as already noted, had been active in discovering and developing the mineral resources of the colony, sent a petition to the British Government protesting against its preventing the issuing of mining and land grants on the French

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Musgrave to Cardwell, No. 112, July 10, 1866, C.O. 194/175.

<sup>4</sup>Musgrave to Carnarvon, No. 116, August 8, 1866, C.O. 194/175.

<sup>5</sup>Ibid.



Shore.<sup>1</sup> The St. John's Chamber of Commerce complained because no official had been appointed to collect customs duties on the Shore and that, as a result, Newfoundland merchants were unable to compete successfully with the traders from the mainland colonies and the United States who monopolized the valuable business on the coast.<sup>2</sup>

Carnarvon, Secretary of State for the Colonies, in response to these complaints informed Musgrave in a public despatch in December that the British Government would "most readily reopen negotiations with the French Government which were broken off in 1861, if only satisfied that there were a reasonable prospect of bringing them to a successful termination."<sup>3</sup> In two lengthy confidential despatches Carnarvon examined some of the problems involved. He admitted that enforcement of former treaties would cause great inconvenience since Britain would be able to prohibit the sale of bait, the employment of guardiens and the construction of French establishments on the Shore, while France would be able to drive English fishermen from the area and require the removal of fixed settlements.<sup>4</sup> Carnarvon believed that these problems could be solved only if each nation were willing to compromise. He regretted that the British Government had promised in 1857

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<sup>1</sup>Memorial of Bennett, November 8, 1866, enclosed in Musgrave to Carnarvon, No. 128, November 13, 1866, C.O. 194/175.

<sup>2</sup>Rendell to Bemister, June 16, 1866, enclosed in Musgrave to Cardwell, No. 114, July 10, 1866, C.O. 194/175.

<sup>3</sup>Carnarvon to Musgrave, No. 19, December 7, 1866, Despatches from Colonial Office, 1866 Volume.

<sup>4</sup>Carnarvon to Musgrave, Confidential, November 23, 1866, Despatches from Colonial Office, 1866 Volume.



that it would not modify Newfoundland's territorial or maritime rights without her consent.<sup>1</sup> Any compromise solution would involve an exchange of concessions and Carnarvon was convinced that no concession could be made without modifying Newfoundland's rights. He stressed "the impossibility of carrying any negotiation . . . to a successful issue . . . if the result of that negotiation is to be submitted to the discussion of a Colonial Legislature and the chances of colonial politics before it can be finally ratified."<sup>2</sup> These obstacles had not prevented negotiations in 1860 and 1861 and he hoped that a Convention similar to the one considered at that time might be achieved. Carnarvon suggested that the French might relinquish all their exclusive rights on the French Shore if they were permitted to fish in all coastal waters of Newfoundland as United States vessels had been under the provisions of the Reciprocity Treaty.<sup>3</sup> He wished to know whether an arrangement such as this might be feasible and hoped that the Newfoundland Government or Legislature would "request that Her Majesty's Government take up the settlement of . . . questions, not claiming a voice in the negotiations . . . but specifying certain rights they are not prepared to abandon."<sup>4</sup> Until a general settlement was reached, Carnarvon stated that he would be unable to authorize the appointment of magistrates or the issuing of land grants

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Carnarvon to Musgrave, Confidential, November 24, 1866, Despatches from Colonial Office, 1866 Volume.

<sup>4</sup>Carnarvon to Musgrave, Confidential, November 23, 1866, loc. cit.



on the French Shore.<sup>1</sup>

Both the Governor and his Executive Council were pleased at the suggestion that the negotiations which had been broken off in 1861 might be renewed. Musgrave informed Carnarvon that the Executive Council, after he had shown it the terms of the Convention which had been under negotiation in 1860, expressed its regret that it had not been brought into effect.<sup>2</sup> It believed that the Convention would have been beneficial to Newfoundland and that "no question of importance or practical inconvenience" would have arisen under article 15 of the Joint Instructions<sup>3</sup> --disagreement over which had prevented the Convention from coming into force.<sup>4</sup> Objections were raised, however, to Carnarvon's suggestion that the French be given the right to fish in all Newfoundland coastal waters. The St. John's Chamber of Commerce, after being acquainted with this suggestion, informed Musgrave that it believed that Newfoundland fishermen had the right by treaty to a concurrent fishery on the French Shore and condemned the British Government for its apathy in allowing the French to exercise an exclusive right.<sup>5</sup> It was convinced that as long as the French Government continued to give large bounties for the fishery and the Newfoundland fishermen remained dependent on their individual resources, the fisheries could not "be carried on in the same waters for

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<sup>1</sup>Carnarvon to Musgrave, No. 19, loc. cit.

<sup>2</sup>Musgrave to Carnarvon, Confidential, January 17, 1867, C.O. 194/176.

<sup>3</sup>Ibid. <sup>4</sup>See above, p. 149.

<sup>5</sup>Musgrave to Carnarvon, Confidential, December 24, 1866, and enclosures, C.O. 194/175.



any length of time before they will become exclusively French."<sup>1</sup> The Chamber of Commerce believed that the Newfoundland coastal fishery could support only a limited number of people and would become exhausted by the French sharing in it.<sup>2</sup> The influence of the mercantile body in the colony was so strong that Musgrave was certain that both the Legislature and public opinion would support the view of the Chamber of Commerce.<sup>3</sup>

The problems relating to the French Shore were discussed by the Legislature in the 1867 session. Governor Musgrave, in his speech, recommended the Legislature to request the British Government to resume negotiations with the French.<sup>4</sup> He advised it to specify the rights which the colony was not prepared to give up and intimated that these would be excluded from the negotiations. Musgrave hoped that a general settlement of the outstanding problems would be achieved and that Newfoundland would be permitted to develop the territorial resources on the French Shore. The Assembly, after discussing this subject in committee of the whole, on February 22nd adopted a resolution, introduced by Carter, in which it expressed its willingness "to consider the terms that may be proposed, with safety to the Colony, for adjustment of differences arising from existing Treaties and of securing the just rights of each party thereunder."<sup>5</sup> It was agreed to form a select committee of both

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<sup>1</sup>Ibid.

<sup>2</sup>Musgrave to Carnarvon, Confidential, January 21, 1867, C.O. 194/176.

<sup>3</sup>Ibid.      <sup>4</sup>Journal of Assembly, January 31, 1867.

<sup>5</sup>Musgrave to Carnarvon, Confidential, March 19, 1867, and enclosure, C.O. 194/176.



Houses to consider and report on this subject.<sup>1</sup> The committee was delayed in making a report because of internal dissension. Several of the members were alarmed over the danger of reopening negotiations.<sup>2</sup> Governor Musgrave had interviews with these members and allayed some of the committee's fears. On April 9th it submitted its report to the Assembly. It claimed that under the treaties there was no doubt "as to the dominion of the soil on the so-called French Shore, in common with the whole Island of Newfoundland, belonging to the Crown of Great Britain."<sup>3</sup> The committee maintained that it was lawful for British subjects to live on the French Shore and construct buildings there for purposes other than the fishery. Since it was certain that the territory was under Newfoundland's jurisdiction, the committee claimed that the Executive Council had the authority to issue land and mining grants provided the French fishery would not be interrupted as a result. The committee recommended that the "Legislature should state to Her Majesty's Government, that they are not prepared to agree to any concessions to the Government of France which would convey to the French rights of Fishery which they do not now possess," but agreed that France should be guaranteed the right to purchase bait.<sup>4</sup> In addition, the committee suggested several subjects on which agreement should be sought. These included

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<sup>1</sup>Journal of Assembly, February 22, and 26, 1867.

<sup>2</sup>Musgrave to Buckingham, Confidential, April 29, 1867, C.O. 194/176.

<sup>3</sup>Ibid.; and Journal of Assembly, April 9, 1867.

<sup>4</sup>Ibid.



the establishment of a Joint Naval Commission to police the Shore; a guarantee that British settlers there would not be disturbed, and would be allowed to fish in the larger bays; and a definition of the strand, or coast on which the French had the right to erect fishing establishments.<sup>1</sup>

The Assembly debate on this report in committee of the whole revealed that many of the members, including some Government supporters, opposed it<sup>2</sup> although the recommendations promised few benefits to the French. Governor Musgrave, wishing to have the report adopted, again used his personal influence to overcome the opposition of a number of leading members of the Assembly.<sup>3</sup> His efforts were successful and, despite the objections of the Opposition, the report of the select committee was adopted by the Assembly with only a few minor amendments.<sup>4</sup> Musgrave regretted that the Legislature had not confined itself to stating the concessions which it would not accept. He regarded the agreement of the Legislature to sanction the sale of bait, which many people believed was harmful to the Newfoundland fishery, as the first indication it had given that it was prepared to make some concession to the French.<sup>5</sup> Musgrave, in a despatch to the Secretary of State for the Colonies, expressed his hope that a new Convention, removing "all sources of

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<sup>1</sup>Ibid.

<sup>2</sup>Musgrave to Buckingham, Confidential, loc. cit.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.; and Journal of Assembly, April 25, 1867.

<sup>5</sup>Musgrave to Buckingham, Confidential, loc. cit.



irritation which have given trouble for so many years," would be achieved.<sup>1</sup>

When the Newfoundland Legislature opened in 1868, the Governor had received no information from the British Government on the renewal of negotiations with the French.<sup>2</sup> The Assembly, wishing especially to be able to make land and mining grants, resolved itself into committee of the whole to consider British and French territorial rights on the French Shore.<sup>3</sup> After much debate, it adopted a series of resolutions claiming that the Government should be allowed to issue land grants for mining, agriculture, and other purposes and condemning the British Government for imposing restrictions.<sup>4</sup> The Assembly decided also to send petitions on this subject to the Queen and to both Houses of the Imperial Parliament. The Liberal Opposition, desiring a stronger statement, introduced an amendment stating that "the Rights of Newfoundland have been disregarded, and the feeling is prevalent that British rights in the Colony are made subordinate to the French influence."<sup>5</sup> This motion was defeated by a vote of fourteen to ten. Governor Musgrave regretted that the Assembly had adopted any resolution on the subject. He informed Buckingham, the Secretary of State for the Colonies, that "the strength of prejudice existing throughout the Community on all points connected with the French rights renders it almost useless to argue upon them

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<sup>1</sup>Ibid.      <sup>2</sup>Journal of Assembly, March 4, 1868.

<sup>3</sup>Ibid., March 2, 1868.

<sup>4</sup>Ibid., March 4, 1868.      <sup>5</sup>Ibid.



with the Legislature," and that consequently he had thought it prudent not to raise controversy on the question.<sup>1</sup> The Assembly's resolutions were embodied in addresses to Her Majesty and the British Parliament.<sup>2</sup> The Legislative Council followed its example and sent a similar address to the Secretary of State for the Colonies.<sup>3</sup> In its annual report in August the St. John's Chamber of Commerce criticized the British Government for preventing the development of the resources on the French Shore.<sup>4</sup>

These petitions were not completely in vain. Rogers, Permanent Under-Secretary of the Colonial Office, in December, 1868, informed Musgrave that "his Grace sees no reason why Grants should not be sanctioned in the interior of the Island, although near the coast included within the French limits, provided that no right is granted which will enable buildings to be erected upon the French Shore, or which would cause the French any interruption to the full enjoyment by them of any of the privileges belonging to their Fishery rights."<sup>5</sup> He requested the Governor to consult with his advisers on the width of the strand which should be allowed for French use. In his reply, Governor Musgrave suggested that the French should be permitted to use the coastline up to one-third of

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<sup>1</sup>Musgrave to Buckingham, No. 201, March 17, 1868, C.O. 194/177.

<sup>2</sup>Journal of Assembly, March 13, 1868.

<sup>3</sup>Journal of Legislative Council, April 2, 1868.

<sup>4</sup>Royal Gazette, August 11, 1868.

<sup>5</sup>Rogers to Musgrave, December 9, 1868, Despatches from Colonial Office, 1868 Volume.



a mile from the high water mark.<sup>1</sup> He admitted that under the provisions of Rogers' despatch he was able to issue a number of grants that he had hitherto been forced to refuse, but he pressed for permission to make grants on certain parts of the strand, or narrow coastline reserved for French use. Musgrave reported that in several instances minerals had been discovered on the strand in areas which were not used by the French and which were unsuited for the fishery. To prevent mining in these areas, he claimed, "would be to render useless to any person that extent of the shore."<sup>2</sup> Musgrave maintained that the Government should be allowed to issue grants for such areas, provided they were not near any French fishing station and that no building could be erected on the strand without Government permission.<sup>3</sup> He indicated that there were many long sections of coast which were not used by the French and that mining or agricultural operation in these areas could not possibly interrupt the French in pursuing the fishery. These suggestions were not approved by the Colonial Office. Granville, Secretary of State for the Colonies, in March, 1869, informed Musgrave that he might issue grants up to half a mile from the high water mark on parts of the coast not occupied by the French.<sup>4</sup> But he was not permitted to "confer any rights whatever within that half mile, nor to make any grants or

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<sup>1</sup>Musgrave to Granville, No. 7, January 13, 1869, C.O. 194/178.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Granville to Musgrave, No. 3, March 10, 1869, Despatches from Colonial Office, 1869 Volume.



confer any interest in land in the neighbourhood of these parts of the Shore which are used by the French."<sup>1</sup> As long as the coastline was reserved exclusively for France, or there were no railways or roads between the hinterland and the east coast of the island, the resources in the area of the French Shore could not be fully developed.

Governor Musgrave visited England in the autumn of 1868 and after conferring with him on the subject of the French Shore, the Secretary of State for the Colonies made an attempt to reopen negotiations with the French.<sup>2</sup> In September, Lord Lyons, British ambassador at Paris, "sounded Mr. de Moustier as to the desire of the French Government to re-enter upon the negotiations of a Convention respecting the Newfoundland Fishery."<sup>3</sup> The French Minister, wishing to confer with his colleagues, expressed no opinion on the subject.<sup>4</sup> Despite two subsequent attempts to get an answer from the French Government, Lord Lyons had received no reply by mid-November. On the instructions of his Government, which hoped negotiations would begin while Governor Musgrave was still in England, Lord Lyons informed the French Minister on November 16th that

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<sup>1</sup>Ibid.

<sup>2</sup>Buckingham to Officer Administering the Government of Newfoundland, No. 31, September 14, 1868, Despatches from Colonial Office, 1868 Volume.

<sup>3</sup>Lyons to Stanley, September 3, 1868, enclosed in Elliot to Musgrave, October 8, 1868, Despatches from Colonial Office, 1868 Volume.

<sup>4</sup>Ibid.



the British Government would be pleased by a reply.<sup>1</sup> Early in December the French Government informed him that it could not decide to resume negotiations "without being previously made acquainted with the basis upon which Her Majesty's Government propose now to set it on foot."<sup>2</sup> A few days later, Lyons submitted to the French Government the draft of a new Convention<sup>3</sup> which was proposed by the British Government and was similar to that of 1860.<sup>4</sup> The French Government had not replied to these proposals by June, 1869. Lyons believed that the "result of simply pressing for an answer . . . would be a declaration by the French Government that they are not willing to treat on the basis of the Draft proposed by us."<sup>5</sup> He was convinced that the French would not give up any rights which they claimed on the Shore without full compensation and thought that the present time was not favourable for resuming negotiations. The Colonial Office agreed not to press the issue. Granville, Secretary of State for the Colonies, in contrast to the views earlier expressed by Rogers,<sup>6</sup> was not apprehensive that New-

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<sup>1</sup>Lyons to Moustier, November 16, 1868, enclosed in Elliot to Musgrave, December 1, 1868, Despatches from Colonial Office, 1868 Volume.

<sup>2</sup>Lyons to Stanley, December 4, 1868, C.O. 194/177, pp. 338-39.

<sup>3</sup>Lyons to Clarendon, June 3, 1869, enclosed in Granville to Hill, Confidential, July 16, 1869, Despatches from Colonial Office, 1869 Volume.

<sup>4</sup>Rogers to Musgrave, Confidential, November 16, 1868, Despatches from Colonial Office, 1868 Volume.

<sup>5</sup>Lyons to Clarendon, June 3, 1869, loc. cit.

<sup>6</sup>See above, pp. 197-98.



foundland's joining confederation would increase the difficulty of settling the problem of French rights in the colony. He informed the Governor of Newfoundland in July, 1869, that because of the "probability that the Colony of Newfoundland will soon unite itself to the Dominion of Canada, I think it advisable to leave this question [of French rights] to be dealt with by the Government of the Dominion when the union shall have taken place."<sup>1</sup>

The resident population on the French Shore continued to increase although it was not legally recognized. By 1869 there were 5,387 settlers on the Shore, an increase of more than 2,000 from 1857.<sup>2</sup> Living conditions had improved little during the 1860's. Captain Parish of the Royal Navy, who visited the coast in 1868, reported that nine-tenths of the children were unable to read or write and that there was an "entire absence of anything like civil Law or Police."<sup>3</sup> In 1869 there were nineteen children on the French Shore attending school.<sup>4</sup> The census of that year records that there were four clergymen and five merchants on the Shore. As the population continued to grow, demands for greater control over the area by the Newfoundland Government, as well as opportunities for disputes with the French, were certain to increase.

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<sup>1</sup>Granville to Hill, Confidential, July 16, 1869, Despatches from the Colonial Office, 1869 Volume.

<sup>2</sup>See Appendix D.

<sup>3</sup>Report of Parish, enclosed in Buckingham to Officer Administering the Government of Newfoundland, December 9, 1868, Despatches from Colonial Office, 1868 Volume.

<sup>4</sup>Newfoundland Census, 1869.



The Carter administration was able on most issues to provide the type of strong Executive Government that Musgrave had hoped the Coalition would make possible. In an effort to reduce the floating debt of the colony and to avoid an annual deficit it had increased taxation, always an unpopular measure. The policy which the Government adopted on poor relief was equally unpopular, especially among the poorer people of the colony who frequently had no alternative but to rely on Government assistance. The Government firmly stated Newfoundland's attitude to the treaty rights of the French in Newfoundland, but prevented a popular outburst on this subject which was one on which emotions could be quickly aroused. After pursuing a vacillating policy on confederation during the first three years in office, the Carter Government, as we shall see later, was to take a determined stand on this issue in 1869.



## CHAPTER VII

### THE CONCLUSION OF THE CONFEDERATION ISSUE, 1867-1870

The establishment of the Dominion of Canada on July 1, 1867 and the awareness that Newfoundland would soon have to make a decision on confederation helped to stimulate debate on the subject in the colony, especially in St. John's, during the latter part of the year. Support for confederation seemed to be growing. Governor Musgrave, in a despatch to the Secretary of State for the Colonies in September, expressed his belief that public opinion was "quietly acquiring a much stronger inclination towards Union than existed some months ago," and claimed that there was general agreement upon the principle of confederation.<sup>1</sup> E.D. Shea, who had been appointed to the Legislative Council in 1866, stated in an editorial that the Chamber of Commerce, which two years earlier had denounced confederation, now had a number of converts to the scheme among its foremost members.<sup>2</sup> Early in October the leading confederates in St. John's began holding weekly meetings to promote confederation by discussing and explaining it.<sup>3</sup> A few weeks later, R.J. Pinsent, a member of the Assembly for Brigus and Port de Grave, published a pamphlet on confederation. He suggested that Newfoundland would be almost certain to join the Dominion if the resolutions agreed to at Quebec were

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<sup>1</sup>Musgrave to Buckingham, No. 171, September 10, 1867, C.O. 194/176.

<sup>2</sup>Newfoundlander, August 13, 1867.

<sup>3</sup>Ibid., October 11, and November 1, 1867.



modified to guarantee that there would be no export tax on fish; that Newfoundlanders would not be drafted out of the colony; that the right to cut wood on crown lands would be retained; and that a steam boat service between the mainland, Newfoundland, and Britain would be established.<sup>1</sup> Support for confederation had been growing among the St. John's newspapers and most of them were now strong advocates of union. The Newfoundlander and the Express, which had been confederate from the beginning, were joined by the Public Ledger in 1866 following the death of Henry Winton, its editor.<sup>2</sup> In 1867 the Courier, Telegraph, and Daily News were also advocating confederation. The Morning Chronicle and the Patriot were the only two newspapers opposing union.

The efforts of the confederates to gain greater support for union led to increased activity by the anti-confederates. In mid-October an anti-confederate meeting, presided over by C.F. Bennett, was held in St. John's.<sup>3</sup> About the same time, Bennett began a new series of letters to the press denouncing confederation. He continued to stress that under confederation Newfoundland would have to relinquish to the Dominion its power of self-government, control over its resources and taxation policy, and that the direct alliance with Britain would end.<sup>4</sup> In addition, he condemned the policies of the Government of

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<sup>1</sup>Public Ledger, November 15, 1867.

<sup>2</sup>Ibid., April 6, and October 16, 1866.

<sup>3</sup>Newfoundlander, October 18, 1867.

<sup>4</sup>Bennett to Editor of Morning Chronicle, October 11, 1867, Morning Chronicle, October 12, 1867.



Newfoundland, most of whose members were confederates. Bennett charged that much of the poor relief money was used for election bribery and given to people not in need.<sup>1</sup> He claimed that many destitute persons were not cared for and that anybody who had opposed the district representative to the Assembly could obtain no relief. Bennett emphasized that the Government had increased the widespread destitution in 1866 by imposing increased taxes. He denounced them as "Simon Pures [who], as if in mockery of that distress, placed more than £40,000 additional taxes upon them [the people] and that almost wholly on food--that food which previously . . . had been exempt from taxation--that food of which a large portion of our population stand so much in need."<sup>2</sup> Bennett claimed that the taxes, although much higher than necessary, were only half what they would be under confederation.<sup>3</sup> He alleged that many of the leading persons supporting confederation were doing so because they hoped to be appointed to lucrative and important offices by the Dominion Government. As soon as the fisheries became successful again, Bennett was confident that the colony would be prosperous. In the meantime, he called upon the Legislature to prevent the use of seines and cod nets, to discontinue paying its members, to abolish useless offices, and to reduce expenditure.<sup>4</sup> The two anti-confederate newspapers

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<sup>1</sup>Ibid., Morning Chronicle, October 24, 1867.

<sup>2</sup>Ibid., November 6, 1867, Morning Chronicle, November 8, 1867.

<sup>3</sup>Ibid., November 25, 1867, Morning Chronicle, November 28, 1867.

<sup>4</sup>Ibid., Morning Chronicle, October 24, 1867.



referred frequently to the antagonism which had developed against confederation in Nova Scotia following the creation of the Dominion<sup>1</sup> and held that Newfoundland should profit from the experience of its closest neighbour and refuse to join the union.

Governor Musgrave remained confident that Newfoundland would join confederation despite the activity of the anti-confederates. He had accepted the invitation of Lord Monck, Governor-General of the new Dominion, to attend the opening of its first Parliament in the autumn of 1867.<sup>2</sup> During his stay at Ottawa, Musgrave had a number of meetings with Lord Monck and Sir John A. Macdonald, Prime Minister of the Dominion, to discuss Newfoundland's entry into the union. Following his return to Newfoundland in December, Musgrave informed the Secretary of State for the Colonies that the result of these discussions had "been an understanding on many points that are here viewed as important, which is satisfactory to my Council, and I think will be regarded by the community as presenting greater inducements to the arrangement than were afforded by the original scheme of the Quebec Conference."<sup>3</sup> In his speech opening the Legislature in January, 1868, Governor Musgrave announced that the Dominion Government was willing to consider in a spirit of liberality terms on which the other colonies might join the union. He assured the Legislature that "any

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<sup>1</sup>Patriot, June 1, July 6, and 13, 1867; and Morning Chronicle, September 26, and November 26, 1867.

<sup>2</sup>Journal of Assembly, January 30, 1868.

<sup>3</sup>Musgrave to Buckingham, No. 179, December 10, 1867, C.O. 194/176.



reasonable stipulations as part of an agreement for union will be assented to cordially" and advised the members to consider the terms by which it would be expedient for Newfoundland to join the Dominion.<sup>1</sup> Once terms had been arranged to suit both Governments, Musgrave promised that they would be submitted to the Newfoundland constituencies in a general election. He informed the Secretary of State for the Colonies that he had decided upon this course because he agreed with his Executive Council that "even if the existing Legislature were willing to decide upon a final arrangement, any attempt to carry it into effect, without a nominal reference to the body of the people, would lead to a repetition of the state of affairs which is now disturbing the harmony of the Union as regards Nova Scotia."<sup>2</sup> Musgrave was convinced that much of the antagonism to confederation in Nova Scotia had arisen because the decision to enter it had been made by the Legislature without consulting the people.

There was much discussion on confederation in the Assembly debate on the Governor's speech. Most of the members of the Liberal Opposition and several Government supporters expressed their disapproval of union. Neither Carter nor Shea pressed vigourously for confederation. Carter stated that, although Newfoundland might receive great advantages by joining the Dominion, "there were objections which would have to be overcome before he could become a party to any such

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<sup>1</sup>Journal of Assembly, January 30, 1868.

<sup>2</sup>Musgrave to Buckingham, No. 191, February 17, 1868, C.O. 194/177.



measure."<sup>1</sup> Shea admitted that the tariff system of the Dominion would be unsuitable for Newfoundland, but believed that the objectionable parts of it would be changed.<sup>2</sup> The select committee of the Assembly appointed to draft a reply to the speech from the Throne proposed that the House should accept the Governor's suggestions on confederation and assure him that it wished to adopt measures which would promote the interests of Newfoundland.<sup>3</sup> Shea and Carter claimed, however, that this section did not bind members to support confederation.<sup>4</sup> The Liberal Opposition, wishing to postpone considering confederation, introduced an amendment proposing that no action be taken until the issue had been submitted to the people at the general election in 1869.<sup>5</sup> The people of Newfoundland would by that time, the amendment stated, have more information on the tariff and taxation policies of the Dominion and on the general working of the union. The Opposition claimed that to hold an election after terms had been agreed upon with the Dominion Government would be a mere farce and that Newfoundland would be then coerced into union. Carter maintained that terms should be arranged before an election since a second one would be immediately necessary if the constituents voted in favour of the principle of confederation.<sup>6</sup> John Kavanagh and

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<sup>1</sup>Proceedings of Assembly, February 12, 1868, Newfoundlander, February 14, 1868.

<sup>2</sup>Proceedings of Assembly, February 13, 1868, Newfoundlander, February 17, 1868.

<sup>3</sup>Proceedings of Assembly, February 12, 1868, loc. cit.

<sup>4</sup>Ibid.      <sup>5</sup>Journal of Assembly, February 13, 1868.

<sup>6</sup>Proceedings of Assembly, February 13, 1868, loc. cit.



F.J. Wyatt were the only two supporters of the Government who voted for the Opposition amendment. It was defeated by a vote of sixteen to ten.<sup>1</sup> The Legislative Council in its address in reply to the Governor's speech promised to consider any terms proposed on confederation, but did not commit itself to a policy on the subject.<sup>2</sup> Governor Musgrave, who had formerly thought it would be possible to arrange terms during that session, was now less confident. He informed Buckingham that "the present agitation in Nova Scotia for repeal of the union, and the provisions of the tariff adopted by the Canadian Parliament during the present session, imposing what are here regarded as almost prohibitory duties on several articles of necessary consumption, which Newfoundland must, in the natural channels of trade, obtain from the United States, have created obstacles which there may probably be some difficulty in surmounting."<sup>3</sup>

Shortly after the address in reply to the Governor's speech had been adopted, Henry Renouf, Liberal member for St. John's West, presented a petition which had been adopted at a public meeting in the capital on February 4th.<sup>4</sup> The petition claimed that it would be detrimental to the interests of Newfoundland to enter confederation on any terms while the Dominion was distracted by financial difficulties and by the

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<sup>1</sup> Journal of Assembly, February 13, 1868.

<sup>2</sup> Journal of Legislative Council, February 13, 1868.

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

<sup>4</sup> Journal of Assembly, February 17, 1868.



efforts of Nova Scotia to secede from the union. It requested that the Legislature take no action on confederation until the session following the general election of 1869. Renouf informed the Assembly that the petition had been signed by more than two thousand people.<sup>1</sup> Thomas R. Bennett, a supporter of the Government and a brother of C.F. Bennett, claimed that nineteen-twentieths of the intelligence and wealth of the country was represented in the petition. The Morning Chronicle stated that representatives of ten leading St. John's firms, including Harvey and Company, Walter Grieve and Company, Bowring and Company, R. Prowse and Sons, and C.F. Bennett and Company, had attended the meeting on February 4th and supported the petition.<sup>2</sup> In the Assembly debate on the petition, five Opposition members and three Government supporters expressed agreement with the petition.<sup>3</sup> Shea admitted that he was disappointed by the petition, but was convinced that many had signed it simply through fear of taxation. Carter maintained that the petition represented only a section of the community and stressed that terms would have to be arranged before an election. He suggested, however, that the terms need not be considered until a later date.

The Government, wishing to avoid defeat, did not press for the arrangement of terms during the rest of the session.<sup>4</sup>

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<sup>1</sup>Proceedings of Assembly, February 17, 1868, Newfound-lander, February 19, 1868.

<sup>2</sup>Morning Chronicle, February 5, 1868.

<sup>3</sup>Proceedings of Assembly, February 17, 1868, loc. cit.

<sup>4</sup>Musgrave to Buckingham, No. 210, May 12, 1868, C.O. 194/177.



There was no further discussion on confederation and the Governor did not mention it in his speech closing the session. Musgrave informed Buckingham that the agitation in Nova Scotia for the repeal of union and "the disorder and uncertainty in the general working of the Confederation . . . has exercised a prejudicial influence on many, who, on general principle, were favorable to the proposal for joining the other Provinces."<sup>1</sup> He believed that the Government had acted wisely in postponing a decision, but remained confident that once the agitation in Nova Scotia was allayed Newfoundland would soon join the Dominion.<sup>X</sup> Musgrave claimed that many of the more intelligent Newfoundlanders were becoming convinced that responsible government as practised in the colony had been largely a failure, and that the representative institutions were too large, too expensive, and had produced few lasting benefits. Musgrave was certain that to go back to "irresponsible government" would be out of the question and believed that "the only rational hope is in Confederation . . . which would afford an opportunity for reducing the local Constitution to dimensions which render it really more useful for the transaction of the business of the Country, and more in keeping with its Revenue and resources."<sup>2X</sup> He did not mention that a bill to reduce the number of members in the Legislature, introduced in the Assembly by R.J. Pinsent, had received little support.<sup>3</sup>

The Colonial Office continued to show little support for

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.; and Public Ledger, March 20, 1868.



Newfoundland's joining the Dominion. Buckingham, in reply to Musgrave's despatches expressing hope that terms of union would be settled during the 1868 Legislative session, did not mention confederation.<sup>1</sup> Sir T.F. Elliot, Assistant Under-Secretary of the Colonial Office, commenting on Musgrave's despatch suggesting that confederation would permit a much needed reduction in the size of the colonial Legislature, stated that it was the first practical reason that had been given for Newfoundland's joining Canada.<sup>2</sup> He was still extremely sceptical of the desirability of union and wrote:

The questions we have with the French in Newfoundland render it desirable to have direct relations between the Colony and the Home Government; and much embarrassment might arise if we had to deal upon these questions with so powerful a Community as Canada. Moreover, Canada has little trade or intercourse . . . with Newfoundland and the people of the two Colonies must be pretty nearly unknown to one another.<sup>3</sup>

Buckingham, in his answer to Musgrave's despatch, simply expressed his approval with the decision of the Newfoundland Government to postpone dealing with confederation during the 1868 session.<sup>4</sup>

The St. John's press continued to discuss confederation following the closing of the Legislature. The Public Ledger criticized Carter for not taking a stronger stand on confederation, but when Carter was offered a judgeship in the

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<sup>1</sup>Buckingham to Musgrave, No. 2, January 10, and No. 9, March 18, 1868, Despatches from Colonial Office, 1868 Volume.

<sup>2</sup>Minute of Elliot, June 3, 1868, C.O. 194/177, p. 101.

<sup>3</sup>Ibid.

<sup>4</sup>Buckingham to Musgrave, No. 20, June 12, 1868, C.O. 194/177, p. 101.



Supreme Court it admitted that it would be difficult to find a suitable person to replace him as Premier.<sup>1</sup> Governor Musgrave, who did not want Carter to resign, probably because he was a confederate, seemed pleased when he did not accept the judicial appointment.<sup>2</sup> The confederate press, reassured by Carter's remaining in office, continued to claim that support for union was increasing. The Public Ledger maintained that public opinion was much more favourable to confederation than when the subject had been raised first.<sup>3</sup> The Newfoundlander claimed that a victory of Joseph Godden, in a by-election in Harbour Grace in November, indicated growing support for union.<sup>4</sup> Godden, a confederate, had defeated his anti-confederate opponent, James Prendergast. The Newfoundlander expressed delight when late in 1868 Joseph Howe, the distinguished Nova Scotian who had opposed confederation for several years, withdrew his allegiance from the party working for the repeal of union.<sup>5</sup> It was convinced that as agitation against confederation declined in Nova Scotia support for it would increase in Newfoundland, and maintained that the cry of taxation could no longer be used since the Newfoundland Government had increased its tariff in 1868 while that of the Dominion had been reduced.<sup>6</sup> Governor Musgrave's visit to London during the

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<sup>1</sup>Public Ledger, April 21, 1868.

<sup>2</sup>Musgrave to Buckingham, No. 211, May 20, 1868, C.O. 194/177.

<sup>3</sup>Public Ledger, August 28, 1868.

<sup>4</sup>Newfoundlander, November 10, 1868.

<sup>5</sup>Ibid., November 27, 1868.

<sup>6</sup>Ibid., December 1, 1868.



autumn of 1868<sup>1</sup> gave him an opportunity to impress his pro-confederate views upon the officials of the Colonial Office.

X Toward the end of 1868 a serious rift occurred between two prominent anti-confederates, C.F. Bennett and Thomas Glen. The editor of the Morning Chronicle stated that the quarrel arose because of a "private grudge" which Glen had against Bennett.<sup>2</sup> Glen seemed to be jealous of the leading position which Bennett was taking in the anti-confederate movement, a position which he probably desired. In a letter to the press, Glen claimed that he and the other anti-confederates in the Assembly had faithfully opposed union since 1865 and had the "true interests of their country solely in view."<sup>3</sup> Bennett, he maintained, was cunningly acting for his own selfish interests, although he had deluded some people to believe he was working for the benefit of Newfoundland. Glen declared that Bennett opposed confederation solely from fear that if "we join the Union . . . the Dominion Government will make him disgorge the ten hundred thousand acres of land so shamefully given him by an Irresponsible Government, to the injury of the people of Newfoundland."<sup>4</sup> X There seemed to be much truth in Glen's charge. Bennett had been given mining rights over about a million acres of Newfoundland during the period of representative government. He had been a member of the Executive Council

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<sup>1</sup>See above, p. 248.

<sup>2</sup>Morning Chronicle, January 14, 1869.

<sup>3</sup>Glen to Editor of Morning Chronicle, January 11, 1869, Morning Chronicle, January 13, 1869.

<sup>4</sup>Ibid.



at that time<sup>1</sup> and, although the Law Officers of the British Government had declared the grants illegal,<sup>2</sup> he still retained possession of the territory. Glen appealed to the people not to trust a person whose only object was to keep his grasp over "his outrageous grant."<sup>3</sup> Bennett, in reply, stated that he had received this grant under the Queen's Seal by Governor LeMarchant and claimed that he was willing to have the grants canceled if the Newfoundland Government would repay him the money he had spent on mineral exploration.<sup>4</sup> The editor of the Morning Chronicle, realizing that the dispute was weakening the anti-confederate cause, appealed to Glen and Bennett to overcome their differences.<sup>5</sup> This appeal was effective and after January 19th there were no further public letters on the subject.

Governor Musgrave, in his speech opening the Legislature in January, 1869, urged that a decision on the principle of confederation and the consideration of suitable terms should be deferred no longer.<sup>6</sup> He reemphasized his conviction that the best interests of Newfoundland would be promoted by joining the Dominion and expressed the belief that public opinion

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<sup>1</sup>Bannerman to Labouchere, No. 3, January 2, 1858, C.O. 194/152.

<sup>2</sup>Lytton to Bannerman, No. 1, January 7, 1859, Despatches from Colonial Office, 1859 Volume.

<sup>3</sup>Glen to Editor of Morning Chronicle, January 11, 1869, loc. cit.

<sup>4</sup>Bennett to Editor of Morning Chronicle, January 16, 1869, Morning Chronicle, January 19, 1869.

<sup>5</sup>Morning Chronicle, January 16, 1869.

<sup>6</sup>Journal of Assembly, January 28, 1869.



had "reached a stage which is ripe for dealing with this subject in a spirit of calm and deliberate investigation."<sup>1</sup> Musgrave warned that if Newfoundland remained outside the union its Government would be compelled to impose higher taxes than any which were likely to be imposed by the Dominion Parliament. He stated that the Canadian Government was likely to succeed in renewing the Reciprocity Treaty with the United States, but feared that Newfoundland would not be able to come under its provisions if she refused to join confederation. Musgrave promised, however, that Newfoundland would not enter the union until the constituents were given an opportunity to vote on the issue.

Confederation was the principal subject discussed during the debate on the Governor's speech and in committee of the whole on the address in reply. The members of the Opposition continued to denounce confederation, repeating most of the arguments they had been using since 1865. On the day the Assembly opened, Carter announced that the time to take a decision on confederation had arrived and intimated that the Government intended to introduce terms of union for the Legislature to consider.<sup>2</sup> A few days later, he stated that the Assembly would have been called upon to make a decision at an earlier session if there had not been such great resistance to union in Nova Scotia.<sup>3</sup> Carter reminded the members that

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<sup>1</sup> Ibid.

<sup>2</sup> Proceedings of Assembly, January 28, 1869, Newfoundland, February 2, 1869.

<sup>3</sup> Proceedings of Assembly, February 11, 1869, Newfoundland, February 17, and 19, 1869.



agitation in Nova Scotia had died down and that Joseph Howe, the most outstanding person to oppose union, had become a cabinet minister in the Dominion Government. The Premier claimed that the Canadian tariff was only slightly higher than the Newfoundland one and was certain that the value of trade and commerce in the colony would increase when it united with the Dominion "and had the benefit of free trade and a uniform tariff and currency."<sup>1</sup> He reminded the Assembly that under confederation the size and expense of the island's government could be reduced and that it would have a guaranteed annual revenue which would not be affected by variations in the fishery. He promised that after the Newfoundland and Canadian Government had settled on suitable terms the people would be given an opportunity to vote on them.

The debates revealed that there was greater support for confederation among members of the Assembly than in any previous session and there were claims that public opinion was becoming much more favourable to it. Stephen Rendell, a prominent St. John's merchant who represented the district of Trinity Bay in the Assembly, admitted that he, and many other businessmen, had opposed confederation at first from fear of taxation.<sup>2</sup> He claimed that after considering "the circumstances of this Colony . . . many who were at first strongly opposed to it are now at all events quiet and think it is best to accept the situation, make the best terms we can get, and get

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<sup>1</sup> Ibid.

<sup>2</sup> Proceedings of Assembly, February 4, 1869, Newfoundlander, February 10, 1869.



instead of our present expensive local Government, something cheaper . . . and more suited to the condition of the Colony."<sup>1</sup> Rendell maintained that this was the attitude of most of the colony's leading merchants. Ambrose Shea declared that there was a great change in favour of confederation, especially in St. John's. He stated that "even in the Commercial Room, where formerly the subject could not be rationally discussed, the large majority now upheld the question and by none was it violently opposed."<sup>2</sup> Shea maintained that the misrepresentation propagated by the anti-confederates was having less effect and that the feeling of terror, which had been aroused among the women by statements that their sons and husbands would be drafted to Canada, had diminished. D.W. Prowse stated that, although the cry of "bleaching bones and oppressive taxation" now had little effect on the people, many of them still believed Newfoundland would suffer by union with Canada as Ireland had by union with England.<sup>3</sup> But he was confident that, when the people saw merchants like John Rorke and Stephen Rendell, and large firms such as Ridleys and Munns in Harbour Grace, and Baine Johnston and Company and Tessiers of St. John's supporting confederation, they would vote for it.

Joseph Godden, chairman of the select committee of the Assembly appointed to draft a reply to the Governor's speech, submitted to the House, on February 11th, the clause which

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<sup>1</sup>Ibid.

<sup>2</sup>Proceedings of Assembly, February 5, 1869, Newfoundlander, February 10, 1869.

<sup>3</sup>Proceedings of Assembly, February 4, 1869, loc. cit.



the committee had adopted on confederation. The committee proposed that the Assembly should inform the Governor that it agreed the time had come to decide on confederation and that it would carefully consider "such fair and equitable terms as may be calculated to serve the interests of the Colony [and] be approved of by the Government of the Dominion."<sup>1</sup> It expressed the hope that the people would signify their approval of the terms in the general election and that the terms would be ratified by the British Government. Thomas Talbot, a member of the Opposition, after giving a long speech condemning this clause and confederation in general, introduced an amendment stating that the only terms presented to the Assembly had been the Quebec Resolutions and that these had already been rejected by the Legislature and the country.<sup>2</sup> His amendment proposed that the Assembly should express its "conviction and desire that a subject of such vital importance to the liberties of the country should be submitted to the decision of the people at the polls, before any further action be taken upon it by the Legislature."<sup>3</sup> When the vote on this amendment was taken on February 16th, only the eight members of the Opposition supported it and it was defeated by a majority of ten.<sup>4</sup> The clause proposed by the select committee was adopted by a vote of eighteen to eight and became part of the address in reply.

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<sup>1</sup>Proceedings of Assembly, February 11, 1869, Newfound-lander, February 17, 1869.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Journal of Assembly, February 16, 1869.



Governor Musgrave was extremely pleased that the Assembly had at last made a decision in favour of union and was confident that Newfoundland would be included in the Dominion before long. In his reply to the address from the Assembly he expressed the belief that it would be able to arrange terms acceptable to the Dominion and beneficial to the colony. "The good sense of the constituencies," he stated, could "scarcely permit them to withhold their approval of such an arrangement."<sup>1</sup> Musgrave informed the Secretary of State for the Colonies that the majority of members in the Legislature assented to the principle of union and were willing to arrange terms to present to Canada.<sup>2</sup> The main business of the session, Musgrave informed him, would be to reach an agreement on these terms. The Executive Council had already drawn up terms and Carter had notified the Assembly that these would be introduced for its consideration on February 22nd.<sup>3</sup> Musgrave was almost certain that they would be adopted with few alterations. Although the terms went "beyond the scheme of the Quebec Conference in some particulars," the Governor hoped they would "not be regarded by the Government of Canada as unreasonable considering the concessions which have recently been made to Nova Scotia."<sup>4</sup>

The Assembly resolved itself in committee of the whole on confederation on February 23rd and Carter introduced the

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<sup>1</sup>Ibid., February 19, 1869.

<sup>2</sup>Musgrave to Granville, No. 19, February 19, 1869, C.O. 194/178.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.



terms agreed upon by the Executive Council as a basis of union. The financial terms proposed were similar to those of the Quebec Resolutions, but provided for larger subsidies to Newfoundland. The public debt of the colony was to be taken over by the Dominion Government and Newfoundland was to receive the interest of 5 per cent on the difference between the amount of its debt at the time of union "and the average amount of indebtedness per head of the population of Canada, Nova Scotia and New Brunswick."<sup>1</sup> By this provision Newfoundland would receive from the Dominion Government an annual grant of over \$105,000--a decrease in the amount provided by the Quebec Resolutions<sup>2</sup> because of the increase in Newfoundland's debt since 1864. Newfoundland was to receive the grant of eighty cents per head of population of 130,000 as agreed upon at Quebec. But the new terms proposed that this subsidy should increase with population "up to the number provided for the provinces of Nova Scotia and New Brunswick."<sup>3</sup> The British North America Act stipulated that these two provinces should have a subsidy which would increase with population until each had 400,000 people. It was proposed that Newfoundland would transfer control of its ungranted and unoccupied lands, mines, and minerals to the Dominion and receive in return \$175,000 annually, instead of \$150,000 as provided in the Quebec Resolutions. In addition, it was proposed that the

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<sup>1</sup>Proceedings of Assembly, February 23, 1869, Newfoundlander, March 3, 1869.

<sup>2</sup>See above, pp. 166-67.

<sup>3</sup>Proceedings of Assembly, February 23, 1869, loc. cit.



Canadian Government should give a special yearly subsidy of \$24,000 to Newfoundland.<sup>1</sup> The colony, by these proposals, was to receive a total of \$408,922 annually from the Dominion--an increase of nearly \$40,000 over the sum agreed upon at the Quebec conference.<sup>2</sup> It had been decided at Quebec that the central government would pay the salaries of the Governor of Newfoundland and the judges of the Supreme Court; the cost of the postal, surveyor general's, and customs departments; and the cost of the coastal steam boat service and fishery protection.<sup>3</sup> In addition to these, the terms introduced by Carter proposed that the Dominion Government should pay the cost of the circuit and Labrador courts, the mail steam boat service between St. John's and Halifax, the geological survey, and the maintenance of light houses.<sup>4</sup> These expenses, which were paid at that time by the Newfoundland Government, would amount to more than \$206,000 a year--an increase of about \$56,000 over the former agreement. The expenditure of the local and federal government in Newfoundland each year would be more than \$614,000--as large an amount as the colony had been able to raise in revenue throughout most of the period.

The remaining proposals introduced by Carter dealt with equally important subjects, many of which had been omitted from the Quebec Resolutions. It was proposed that the Dominion provide a steam boat service connecting Newfoundland with both Canada and Britain and also operate a line of steam boats to

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<sup>1</sup>Ibid.      <sup>2</sup>See above, p. 167.

<sup>3</sup>Journal of Assembly, 1865, Appendix, p. 873.

<sup>4</sup>Ibid., March 5, 1869.



carry freight and passengers between St. John's and Montreal during the summer season.<sup>1</sup> The Canadian Government was to provide, in addition, an efficient coastal steam boat service connecting the outport communities in the island and Labrador with St. John's. The Newfoundland Government, as provided by the Quebec Resolutions, was to retain the right to construct roads and bridges in the ungranted lands of the colony. It was stipulated, too, that the people of the colony were to have the right to cut wood on the crown lands. For many Newfoundlanders the wood they cut was their only source of fuel and the anti-confederates had been claiming that under union this right would be denied them, or they would be taxed for the wood. To help overcome the fears of the merchants that duties might be placed on exports, the terms proposed that "no tax be imposed on the Exports of this Colony, unless a similar tax be levied on all the staple products of the other Provinces of the Dominion."<sup>2</sup> An attempt was made to end the militia scare. The terms stated that because the population was scattered along the coast and many fishermen were absent from their homes for long periods a militia service was unsuited to the colony. But the resolutions admitted that it might be possible to form a naval reserve force and that the volunteer military organization, formed in St. John's in the early 1860's, could be enlarged. The maintenance of the garrison in St. John's was declared to be indispensable as long as the island remained isolated. The terms proposed that the Dominion, which

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<sup>1</sup>Proceedings of Assembly, February 23, 1869, loc. cit.

<sup>2</sup>Ibid.



was to control the fisheries, should give a subsidy to encourage herring and salmon fishing in the colony. The final resolution stated that "no final arrangement shall be made for the admission of this Colony into the Union until an appeal be made to the people at the next General Election."<sup>1</sup>

Carter in his speech presenting the terms spoke strongly in favour of confederation. He maintained that the chief principle of union was the perpetual connection with the British Crown and stressed that it would be impossible to build a strong nation unless the central government were given extensive powers. In 1867 Bishop Mullock had stated that he would oppose confederation if it interfered with the education system, whereby the annual grant was divided between Roman Catholics and Protestants in proportion to population.<sup>2</sup> To overcome these fears, Carter emphasized that this system would not be changed. He claimed that the expenses of the Newfoundland Government would be reduced by about one-third, but proposed that no change be made in the local constitution and membership of the Legislature until after the election. Shea, in a speech to the Assembly the same day, extolled the advantages of these terms. He stressed that the revenue would no longer fluctuate with changing economic conditions and claimed that "after providing for all the necessary charges" the Government would have "\$160,000 for roads and public

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<sup>1</sup>Ibid.

<sup>2</sup>Pastoral of Bishop Mullock, Newfoundlander, March 6, 1867.



improvements."<sup>1</sup> Shea reminded the members that under the Dominion tariff food and fishing equipment would enter the island duty free. He was confident that the public lands, instead of being monopolized by a few men, would be developed by the Dominion for the benefit of the Newfoundland people.

The terms were debated by the Assembly in committee of the whole from February 23rd to March 5th, but few new arguments were raised.<sup>2</sup> The Opposition members denounced the terms and confederation in general. Thomas Glen, leader of the Opposition, claimed that Nova Scotia, by her agitation, had been granted better financial terms from the Dominion Government than Newfoundland was pressing for in the resolutions.<sup>3</sup> The traditional objections to union were raised. R.J. Parsons claimed, for example, that loss of liberty, oppressive taxation, obligations for militia service, and a growth of Fenianism would be the results of confederation.<sup>4</sup> Most supporters of the Government spoke strongly in favour of confederation and the proposed terms.

When the motion for the adoption of the terms was proposed the Opposition moved that amendments be made in three of them.<sup>5</sup> After the defeat of each of these amendments, G.J.

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<sup>1</sup>Proceedings of Assembly, February 23, 1869, Newfoundlander, March 5, 1869.

<sup>2</sup>See Newfoundlander, March 3 to 31, 1869, for a copy of these debates.

<sup>3</sup>Proceedings of Assembly, February 23, 1869, Newfoundlander, March 3, 1869.

<sup>4</sup>Proceedings of Assembly, February 26, 1869, Newfoundlander, March 12, 1869.

<sup>5</sup>Journal of Assembly, March 5, 1869.



Hogsett moved a resolution stating that the Assembly could not assent to the terms proposed "being of opinion that they are not suited to the circumstances of the Colony," and that the people do not "deem it expedient to enter into the Union."<sup>1</sup> His resolution objected to confederation because it would force Newfoundland to surrender much of its power of self-government and because the Dominion would have complete control over taxation and would distribute much of the patronage controlled by the colonial government. Further objections were raised over the Dominion's control of the fisheries and crown lands and the failure to adjust "the representation of this Colony, either in the Local Legislature or in the Commons of the Dominion."<sup>2</sup> Only the seven Opposition members present voted for Hogsett's resolution and it was defeated by a majority of ten. The terms proposed by Carter were adopted by a similar majority. They were then sent to the Legislative Council for approval. After four days' debate, it passed the terms without amendment.<sup>3</sup>

Governor Musgrave, in a despatch to the Secretary of State for the Colonies a few days later, informed him that "the question of Union may be considered settled, though many details remain for arrangement."<sup>4</sup> He hoped that the delegation from Newfoundland, which was to go to Ottawa after the close of the Legislature, would be able to secure the Dominion

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<sup>1</sup> Ibid.      <sup>2</sup> Ibid.

<sup>3</sup> Journal of Legislative Council, March 16, 1869.

<sup>4</sup> Musgrave to Granville, No. 22, March 20, 1869, C.O. 194/178.



Government's agreement to the proposed terms without much difficulty. Musgrave was confident that almost all members who had voted for the terms of confederation in the Assembly would be returned in the general election.

In addition to the decision of the Legislature, there were other reasons for optimism on confederation. The efforts of some members of the St. John's Chamber of Commerce to have it declare its opposition to the confederation terms revealed that support for union had greatly increased among the merchants. At a regular monthly meeting on March 5th, A. Goodfellow, Secretary of the Chamber, proposed that it consider the terms of union being discussed in the Assembly and express its opinion on them.<sup>1</sup> The last census had been taken in 1857 and he urged that a new one was necessary "before anything definite is done in reference to confederation."<sup>2</sup> When Stephen Rendell announced that the Government intended to take a census that year, P.G. Tessier, President of the Chamber, ruled that it was unnecessary to consider the terms at present. Later that same day eight of its members sent a petition to Tessier requesting him to call a special meeting of the Chamber to discuss the terms of union.<sup>3</sup> More than eighteen members attended the meeting which was held the following day. Robert Prowse, in a series of resolutions, proposed changes in the terms put forward by the Government.<sup>4</sup> Rendell and John Bowring opposed considering Prowse's resolutions until they had greater time

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<sup>1</sup> Minute Book of Chamber of Commerce, 1866-75, March 5, 1869.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., March 6, 1869.



to study them. After a speech by Ambrose Shea explaining and defending the Government's terms, Prowse moved his first resolution for adoption. When nobody would second it, Prowse declared "he would withdraw the lot and put them in the fire."<sup>1</sup> No further attempt was made to get the Chamber of Commerce to oppose union.

The British Government, which since 1865 had given little encouragement to confederation in Newfoundland, now signified its strong support--a change which may have been influenced by Musgrave's visit to London in 1868. Granville, Secretary of State for the Colonies, in a despatch to Governor Musgrave in March, informed him that "Her Majesty's Government view with much satisfaction the prospect of an Union between Newfoundland and Canada . . . and trust that the proposed reference of this measure to the constituents of the Colony may lead to its early accomplishment on terms alike advantageous to the Colony and to the Dominion."<sup>2</sup> To help promote the confederate cause, Musgrave sent a copy of this despatch to the Assembly.<sup>3</sup> The Canadian Government was pleased that the Legislature had made a decision on confederation. Sir John Young, the Governor-General, in answer to Musgrave's despatch sending him a copy of the speech opening the Legislature and the Assembly's address in reply, stated that his ministers had received "with great satisfaction the intimation

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<sup>1</sup>Ibid.

<sup>2</sup>Granville to Musgrave, No. 4, March 12, 1869, Despatches from Colonial Office, 1869 Volume.

<sup>3</sup>Journal of Assembly, March 6, 1869.



of the readiness of Newfoundland to join the Dominion, and . . . will be prepared . . . to discuss in an amicable spirit the terms on which the Union is to be effected."<sup>1</sup> In his speech opening the Dominion Parliament on April 15th, the Governor-General announced that he had received a copy of the union proposals adopted by the Newfoundland Legislature and expressed the hope that before the close of the session it would approve terms for the entry of the colony into confederation.<sup>2</sup> "It will be a sensible pleasure to me, as well as a subject of general congratulation," he continued, "if at some early day the fine colony of Newfoundland, unrivalled as the nursery of hardy seamen, and inexhaustible in its wealth of Fisheries becomes part of the Dominion."<sup>3</sup>

Ambrose Shea, while visiting the mainland on private business during March and April, held discussions with members of the Canadian Government on the prospects of Newfoundland's joining the union. Mainland newspaper reports of Shea's activity aroused the anti-confederates in Newfoundland. On April 12th, Hogsett called the attention of the Assembly to one report which had stated that Shea was one of the confederation delegates from Newfoundland.<sup>4</sup> Carter replied that if Shea had claimed he was an authorized confederation delegate he had

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<sup>1</sup>Young to Musgrave, March 11, 1869, Miscellaneous Papers and Despatches of the Governor's Office, 1869 Volume.

<sup>2</sup>Enclosed in Young to Musgrave, April 15, 1869, Miscellaneous Papers and Despatches of the Governor's Office, 1869 Volume.

<sup>3</sup>Ibid.

<sup>4</sup>Proceedings of Assembly, April 12, 1869, Newfoundlander, April 21, 1869.



been "guilty of gross misrepresentation."<sup>1</sup> The following day an editorial in the Morning Chronicle, the chief anti-confederate newspaper, charged that "the scandalous conduct of . . . Shea in Canada in permitting himself to be recognized as Confederation Delegate to Ottawa, is an insult not only to the Colony but to the Premier and to the Legislature."<sup>2</sup> Later the newspaper claimed that Shea's behaviour had caused a serious disagreement between him and Carter.<sup>3</sup> It urged the Premier to dismiss Shea from the Executive Council. The Daily News, a pro-confederate newspaper, claimed the dispute was not nearly as serious as the anti-confederates were trying to portray it.<sup>4</sup> It maintained that Shea and Carter realized their opponents were trying to keep them divided and reminded them of their duty to remain united to ensure the accomplishment of union. On May 11th, the Newfoundlander announced that despite the efforts of the anti-confederates, Shea and the Premier had quietly settled their differences.

Shortly before the Assembly closed it sent an address to Governor Musgrave authorizing him to appoint a delegation to negotiate terms of union with the Canadian Government.<sup>5</sup> Early in May, the Governor-in-Council appointed a five man delegation to go to Ottawa.<sup>6</sup> Carter, Shea, Kent, and Nicholas Stabb were appointed from the Executive Council. The first

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<sup>1</sup>Ibid.      <sup>2</sup>Morning Chronicle, April 13, 1869.

<sup>3</sup>Ibid., May 4, 1869.      <sup>4</sup>Daily News, May 6, 1869.

<sup>5</sup>Journal of Assembly, April 21, 1869.

<sup>6</sup>Minutes of Executive Council, 1861-69, May 10, 1869.



three were also members of the Assembly. Stabb was a member of the Legislative Council. The other delegate was P.G. Tessier, who, although a member of the Legislative Council, was appointed to represent the St. John's Chamber of Commerce<sup>1</sup> of which he was president. To the regret of his colleagues and Governor Musgrave, Shea was unable to accompany the delegation because of personal duties.<sup>2</sup> Musgrave realized that some modifications in the terms adopted by the Newfoundland Legislature might be necessary. But, he informed Granville that, from semi-official information which he had received, he believed that there would be no "insuperable difficulty in arriving at agreement with the Canadian Government upon the points of substantial importance."<sup>3</sup> Musgrave thought that failure to adhere strictly to the resolutions adopted by the Legislature would not be serious as long as the terms agreed upon by the Canadian Government were generally satisfactory.

On June 3rd, less than a month after the delegates left Newfoundland, Musgrave received a telegram from Carter stating that terms, satisfactory to the delegates and the Canadian Government, had been settled.<sup>4</sup> These were submitted to the Canadian Parliament and passed without amendment. The Governor-General, in his speech closing the session later in

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<sup>1</sup>Tessier to Colonial Secretary, May 6, 1869, Chamber of Commerce Correspondence, Volume 9.

<sup>2</sup>Musgrave to Granville, No. 37, May 12, 1869, C.O. 194/178.

<sup>3</sup>Ibid.

<sup>4</sup>Musgrave to Granville, No. 42, June 5, 1869, C.O. 194/178.



June, expressed the hope that the terms agreed upon would be acceptable to the Newfoundland people.<sup>1</sup> They contained few important modifications in the resolutions which had been adopted by the Newfoundland Legislature. The Dominion agreed to take over all debts and liabilities of the colony at the time of union, and to pay interest at 5 per cent on the difference between its debt and the average indebtedness per head of population of Nova Scotia and New Brunswick.<sup>2</sup> The subsidy of eighty cents per head, as Newfoundland proposed, was to increase with population until the colony had 400,000 people. The grant to be paid by the Dominion Government for control of Newfoundland crown land was reduced by \$25,000, but the special subsidy of \$24,000, which the colony had asked for, was to be increased to \$35,000.<sup>3</sup> Thus the total amount of subsidies was to be only slightly lower than what the Newfoundland Legislature had requested. The Dominion Government agreed to pay all the salaries and department expenses outlined in the resolutions passed by the colonial Legislature. The terms guaranteed that the Dominion would provide an efficient steam boat service to carry mail, passengers, and freight to and from the mainland and the United Kingdom; that it would pay for the existing mail service between Halifax and St. John's; and would establish and maintain an efficient coastal steam boat service. No provision for a special bounty to the fishery

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<sup>1</sup>Young to Musgrave, June 22, 1869, Miscellaneous Papers and Despatches of the Governor's Office, 1869 Volume.

<sup>2</sup>Terms of Union, enclosed in Musgrave to Granville, No. 58, July 5, 1869, C.O. 194/178.

<sup>3</sup>Ibid.



was made, but it was agreed that "the encouragement, benefits, and protection accorded by the Dominion to fisheries in other parts thereof shall be extended to the fisheries of Newfoundland."<sup>1</sup> The terms guaranteed the right of the colonial Government to open, construct, and control roads and bridges in the island and the inhabitants were to be permitted to continue to cut wood, free of charge, on the crown lands. It was agreed that no exceptional tax would be imposed on any exports of the colony. Newfoundland, as provided by the Quebec Resolutions, was to have eight members in the House of Commons and four in the Senate. The terms contained no provision on militia service. However, in a minute of Council accompanying the terms, the Canadian Government promised that "any modifications which may be needed, will be made in the Militia Law of Canada, to adopt its provisions to the circumstances of the inhabitants of Newfoundland."<sup>2</sup> The Dominion promised to use its influence with the Imperial authorities to have the garrison retained in St. John's. The Newfoundland delegates considered the terms satisfactory<sup>3</sup> and Governor Musgrave believed they were extremely advantageous to the colony.<sup>4</sup>

Shortly after the terms of union were approved, Governor Musgrave, who had been a strong promoter of confederation since 1865, left Newfoundland to become Governor of the "province" of British Columbia. In February, he had reminded Granville that

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid.

<sup>3</sup>Musgrave to Granville, No. 42, June 5, 1869, C.O. 194/178.

<sup>4</sup>Musgrave to Granville, Confidential, June 22, 1869, C.O. 194/178.



when Newfoundland joined the Dominion he would lose his position since a Lieutenant Governor would be appointed by the Canadian Government. Musgrave asked to be appointed to some other colony and mentioned that his experience in Newfoundland might make him suitable for British Columbia where efforts were being made to bring that colony into confederation.<sup>1</sup> After he was informed that his request had been granted, Musgrave advised Granville that, since Newfoundland would not enter the Dominion for about a year and many difficult problems remained to be settled, it would be important that "the officer administering the Government . . . should be one unconnected with present local parties yet distinctly and cordially supporting the policy of confederation."<sup>2</sup> Musgrave thought that the British Government, by following his suggestion, would be showing its continued support for confederation and would help ensure the return of the confederates in the general election. Shortly before he left the colony early in July, Musgrave was informed that he would be succeeded by Colonel Stephen J. Hill. In reply to the farewell address from the Executive Council, Musgrave expressed regret that he was unable to remain to see the completion of confederation, but he was confident it would be achieved and that it would bring great benefits to the colony.<sup>3</sup>

The anti-confederates were delighted at Musgrave's

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<sup>1</sup>Musgrave to Granville, February 20, 1869, C.O. 194/178.

<sup>2</sup>Musgrave to Granville, Confidential, loc. cit.

<sup>3</sup>Enclosed in Musgrave to Granville, No. 60, July 7, 1869, C.O. 194/178.



departure and their agitation and strength increased. The Morning Chronicle, in an editorial, claimed that the general feeling in St. John's about Musgrave's leaving was, "We are glad to be rid of you!"<sup>1</sup> Through the efforts of Ambrose Shea over five hundred men had left St. John's late in May to go to the mainland to work on the Intercolonial Railway.<sup>2</sup> In July the Morning Chronicle claimed that only sixty of the men were employed. It alleged that many of the others were in Halifax "barefoot, ragged and empty-bellied" and blamed Shea and the confederates for their plight.<sup>3</sup> Later that month, the Courier, a St. John's newspaper which had been a strong advocate of union, switched its allegiance to the anti-confederates.<sup>4</sup> The editor changed his views because he believed confederation had brought no important benefits to the other mainland provinces and was convinced that antagonism to union was increasing in Newfoundland. He maintained that Newfoundland would lose no benefits by remaining outside confederation for at least another four years. At the end of July, C.F. Bennett, who had been in England for several months, returned to Newfoundland. He was soon to become the leader of the anti-confederate campaign. Accompanying him was Walter Grieve,<sup>5</sup> a prominent businessman in St. John's for many years who had retired to

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<sup>1</sup>Morning Chronicle, July 8, 1869.

<sup>2</sup>Courier, May 26, 1869.

<sup>3</sup>Morning Chronicle, July 13, 1869.

<sup>4</sup>Courier, July 28, 1869.

<sup>5</sup>Morning Chronicle, July 31, 1869.



England in 1861.<sup>1</sup> Grieve, who still owned a large business in the colony, returned to assist in the struggle against confederation. Governor Hill, who arrived in the colony on July 19th, was less optimistic about the success of confederation than his predecessor had been. In a confidential despatch to Granville early in August, Hill informed him that "opinions are very conflicting on this subject and some members of the Government entertain grave doubts as to the result of the Election proving favourable to Confederation."<sup>2</sup> He was convinced that confederation would be beneficial to Newfoundland and promised that, without exerting undue interference, he would do all in his power to aid the efforts of the confederates.

In August, more than two months before the general election was to take place, there were indications that it would be a hard fought contest. The Morning Chronicle claimed that the anti-confederate committee, which had been organized in 1866,<sup>3</sup> was still in existence and working effectively in all parts of the island.<sup>4</sup> Francis Winton, the editor of the newspaper, announced late in August that the anti-confederates intended to contest every district in the colony.<sup>5</sup> Both the Morning Chronicle and the Courier emphasized that in the struggle against confederation all sectarian and class antagonism had been forgotten and Protestants and Roman Catholics, merchants

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<sup>1</sup>Newfoundlander, January 14, 1861.

<sup>2</sup>Hill to Granville, Confidential, August 2, 1869, C.O. 194/178.

<sup>3</sup>See above, p. 195.

<sup>4</sup>Morning Chronicle, August 23, 1869.      <sup>5</sup>Ibid.



and fishermen, outport people and residents of St. John's were co-operating to keep Newfoundland for Newfoundlanders.<sup>1</sup> Early in September, Bennett and Grieve left St. John's in the S.S. Mary Austin--a ship which Bennett had brought to Newfoundland to use in the election campaign--to visit the outports along the north-east coast to campaign for the anti-confederate cause.<sup>2</sup> The confederates began their campaign about the same time with public meetings in Harbour Grace and Carbonear.<sup>3</sup> These meetings were addressed by Ambrose Shea and three of the leading residents of Harbour Grace--John Munn, Thomas Ridley, and W.J.S. Donnelly. Charges and counter-charges appeared in the press as the campaign gathered momentum. The Courier claimed that "the wealth, intelligence and a large majority of the commercial men of the country" opposed confederation.<sup>4</sup> The Express maintained that the majority of the large firms in the colony were pro-confederate.<sup>5</sup> Francis Winton, in an editorial early in September, declared that Shea had recently received two hundred ten puncheons of rum from the Dominion Government to be used by the confederates in the election campaign.<sup>6</sup> A public letter from the firm of P. and T. Hearn revealed that this charge was false.<sup>7</sup> They stated that the rum

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<sup>1</sup>Ibid.; and Courier, August 25, 1869.

<sup>2</sup>Morning Chronicle, August 30, and September 8, 1869.

<sup>3</sup>Newfoundlander, September 14, 1869.

<sup>4</sup>Courier, September 8, 1869.

<sup>5</sup>Express, September 9, 1869.

<sup>6</sup>Morning Chronicle, September 9, 1869.

<sup>7</sup>Newfoundlander, September 10, 1869.



had been imported by their firm for regular trade and that Shea had no connection with it. The confederates tried especially to allay the fear of repressive taxation which their opponents continued to arouse.<sup>1</sup> —

The Premier feared that the great public excitement on confederation might lead to violence during the election and early in September informed Governor Hill that it might be advisable to have a British naval ship stationed in Harbour Grace.<sup>2</sup> Hill immediately sent a despatch to the Naval Commander at Halifax requesting him to send a ship to Conception Bay during the general election. Reverend Edward O'Keefe, who had been administering the diocese of St. John's since the death of Bishop Mullock in March, 1869,<sup>3</sup> in an attempt to maintain peace, issued a notice prohibiting all Roman Catholic clergymen "from using any chapel, or other place in which Mass is said, for the purpose of any personal or political address to the people respecting any candidates or others connected with them in the . . . General Election."<sup>4</sup>

Governor Hill, in a despatch to Granville in the latter part of September, stated that the confederates and their opponents were carrying on a vigorous campaign and admitted that there were conflicting opinions about who would win. He declared that the anti-confederates were doing everything in

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<sup>1</sup>Ibid., September 17, 1869.

<sup>2</sup>Hill to Granville, No. 85, September 7, 1869, C.O. 194/178.

<sup>3</sup>Newfoundlander, March 26, 1869.

<sup>4</sup>Morning Chronicle, September 8, 1869.



their power to misrepresent "the motives and intentions of / the Dominion Government toward this Colony, to mislead the people here who are generally poor and comparatively ignorant, and are therefore ready to believe the stories circulated of, extra taxation and other evils said to result from a union with Canada."<sup>1</sup> The Governor maintained that nearly all the merchants and respectable people favoured confederation; that the terms were liberal and advantageous to Newfoundland; and that the ability of the members of the Government was widely recognized. These factors made him confident that the confederates would win the election. A few days earlier Hill had received a despatch from Granville, stating that the Canadian Parliament had sent an address to the British Government requesting it to make provisions for Newfoundland's entry into the Dominion.<sup>2</sup> A similar address would have to be passed by the Newfoundland Legislature before union could come into effect. "I have to express my hope," wrote Granville, "that nothing will occur in Newfoundland to delay a measure for which I confidently anticipate advantage both to the Dominion of Canada and to the Colony."<sup>3</sup> Hill believed this despatch would promote support for confederation and promptly had it published. The Governor assured Granville that he would continue to use his influence to aid the confederates.

The political campaign of both parties increased in

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<sup>1</sup>Hill to Granville, No. 88, September 21, 1869, C.O. 194/178.

<sup>2</sup>Granville to Hill, No. 25, August 25, 1869, Despatches from Colonial Office, 1869 Volume.

<sup>3</sup>Ibid.



intensity as the time of the general election approached. The publication of Granville's despatch did not change the opinions of the anti-confederates. The Morning Chronicle agreed with Granville that union would benefit Canada, but denied that it would help anybody in Newfoundland "save the few hungry lawyers and loafers who have been already too long bleeding our people."<sup>1</sup> The anti-confederate platform was printed in the same issue and was repeated daily for more than two months. The main slogans of the party were:

No Confederation! Reduced (not Increased) Taxation!!  
 Let us keep our Fisheries to Ourselves! Let us keep our  
 Lands, Mines and Minerals to Ourselves!! Let us keep our  
 revenue to ourselves. Newfoundland for the Newfoundlanders.  
 No Reward for Traitors. No Militia Laws for our Young  
 Men. No Drafting for our Sailors. Let us stick to our  
 Old Mother Country, Great Britain, the True Land of the  
 Brave and Home of the Free!! Let us never change the  
 Union Jack for the Canadian Beaver. Never give to Canada  
 the Right of Taxing us.<sup>2</sup>

Thomas Glen and Thomas Battcock, anti-confederate candidates for Ferryland district, warned the electors that by voting for confederation they would be sacrificing the dearest interests of Newfoundland and the freedom, happiness, and welfare of their children and grand children for ever to the uncertain and perhaps tyrannical rule of a Canadian Government.<sup>3</sup> They urged the people not to be influenced by the bribery and corruption of the confederates who wanted to sell Newfoundland to the Dominion. The three anti-confederates for St. John's West warned the electors that they had to choose between retaining their present liberty and becoming enslaved to

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<sup>1</sup>Morning Chronicle, September 25, 1869.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., October 6, 1869.



Canada.<sup>1</sup> The anti-confederate cause was, however, expounded best by C.F. Bennett in his election address to the district of Placentia and St. Mary's,<sup>2</sup> where he was one of the candidates. He declared that confederation was a "wicked measure" designed to deny Newfoundlanders the right of governing themselves and claimed that only "lawyers and a few other persons who compose the present Government, their subordinate officials, the paid members of the press and the seekers after office" supported it.<sup>3</sup> He maintained that the mass of the fishermen, shopkeepers, traders, mechanics, and most of the merchants opposed confederation. Bennett reminded the people that the leaders of the Government, who stated that taxation would not increase under union, had twice raised the Newfoundland import tariff during their term in office. He declared that they "are now striving by the grossest untruths to induce the electors to put them again into the Legislature, that they may continue to fatten on the taxes they unmercilessly wring from your hard toil and keep you, your wives and children, who are but half fed and half clothed, in poverty and wretchedness."<sup>4</sup> Ignoring the promise of the Dominion Government to modify its militia laws to suit Newfoundland, Bennett claimed that "under Canadian Laws, every man in Newfoundland between the ages of eighteen and sixty would be liable to serve as a soldier, either in the Volunteers, or the Militia, or be subjected to be drafted

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<sup>1</sup>Election address of Talbot, Renouf, and Brennan, Ibid., October 28, 1869.

<sup>2</sup>Enclosed in Hill to Rogers, November 5, 1869, C.O. 194/178.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.



into the regular army, and as such to be sent to Canada, or to any other part of the world that the war minister of Canada might direct; and our seamen and fishermen would be subject to be drafted into the navy."<sup>1</sup> He maintained that Newfoundland would be much worse off than at present because in addition to increased customs duties, the Canadian Government would impose export duties and tax property and business profits. Bennett charged that the people of Quebec were dissatisfied with the union and that Nova Scotia and New Brunswick were groaning under the increased taxation and tyranny of Canada. Finally he gave the assurance that Britain would never force the colony to join the Dominion. After completing the cruise along the north-east coast, Bennett and several of his colleagues left St. John's in the S.S. Mary Austin to visit the communities along the south coast and thus complete their canvass of the island.<sup>2</sup> The anti-confederate propaganda was bound to arouse the fears of the outport people, the majority of whom were poor and uneducated fishermen.

The confederates, in their campaign, denied the statements made by their opponents. They maintained that confederation would strengthen the tie with Britain rather than end it and that by voting for union Newfoundlanders would be promoting Imperial policy.<sup>3</sup> The anti-confederates, they charged, wished to have Newfoundland annexed to the United States. The

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<sup>1</sup> Ibid.

<sup>2</sup> Newfoundlander, October 1, 1869; and Morning Chronicle, October 23, 1869.

<sup>3</sup> Confederate platform, enclosed in Hill to Rogers, November 5, 1869, loc. cit.



confederates reminded the electors that by joining the union the people no longer would have to pay taxes on flour, or salt and other fishing equipment. They declared that under confederation more money would be available for road building, education would be improved, efficient steam boat service would be provided, manufacturing industries would be established, and employment would increase. The Dominion Government, they asserted, would increase the number of lighthouses, prevent the French from extending their hold in Newfoundland, and provide greater protection and encouragement for the fisheries. Carter, in an effort to overcome the fear of oppressive taxation, gave the assurance that the Dominion would not impose taxes on land, houses, or personal possessions.<sup>1</sup> In his election address to the people of Burin, Carter declared that the terms of union were highly advantageous to Newfoundland and claimed that the anti-confederates "for selfish purposes . . . are seeking to have the Government in their own hands."<sup>2</sup> He maintained that, after obtaining official positions, passing legislation to let Bennett retain his grant of one million acres, and creating anarchy in the colony, they would agree to enter confederation. Carter assured the people that there was no parallel between confederation and the union of England and Ireland and charged that their opponents had raised this issue to deceive the people, especially those of Irish descent. The confederates denounced Bennett as an absentee and a mining

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<sup>1</sup>Carter to Robert Grieve, October 21, 1869, Daily News, October 26, 1869.

<sup>2</sup>Newfoundlander, November 5, 1869.



monopolist who had no interest in the Newfoundland people.<sup>1</sup> They declared that he wanted to retain his illegal mining grant and to be released from paying a royalty of 2½ per cent on the profits of his Tilt Cove copper mine.<sup>2</sup> This royalty was to come into effect five years after mining began and Bennett's first payments were due in 1870. Carter, Rendell, Pinsent, Ridley, and Watson visited Trinity Bay in a steamer provided by Ridley and Sons of Harbour Grace,<sup>3</sup> but the confederate party did not undertake nearly as extensive a canvass of the island as their opponents. In most of the outport districts the confederate campaign was conducted solely by the candidates of the party.

Governor Hill, in a despatch to Granville in the latter part of October, informed him that because of the conflicting statements of both parties it was impossible to foretell who would win the election.<sup>4</sup> He stated that the population of Newfoundland could be divided into three classes--merchants, traders, and fishermen. Most of the merchants, he declared, favoured confederation, although a few of them fancied their own selfish interests would suffer and were doing everything in their power "to poison the minds of the poor and easily deceived fishermen against it."<sup>5</sup> The Governor stated that the small traders, who were intelligent and thrifty people, believed

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<sup>1</sup>Confederate platform, loc. cit.

<sup>2</sup>Express, September 28, 1869.

<sup>3</sup>Ibid., October 19, 1869.

<sup>4</sup>Hill to Granville, Confidential, October 22, 1869, C.O. 194/178.

<sup>5</sup>Ibid.



that the colony could not continue in its isolated position and vigourously supported union. The fishermen, who formed the mass of the population, Hill declared, "have their minds so prejudiced by the Selfish Anti-Confederates that they either hesitate or shrink from accepting a change in their prospects the good effects of which they are too ignorant to comprehend."<sup>1</sup> The fishermen, he claimed, usually follow the views of the merchants to whom many of them were usually in debt. However, during that year the seal and cod fishery were successful and Hill feared that the prosperity had led most of the fishermen to adopt opinions opposed to those of their supply merchants, many of whom were confederates. He stated that the anti-confederate cry of no taxation appealed greatly to the fishermen and many of them had been deceived into believing that under confederation even their children would be taxed. Governor Hill indicated that the Nova Scotians, many of whom fished or traded in Labrador and were antagonistic to union, had helped to stir up anti-confederate sentiment among the Newfoundlanders with whom they came in contact. He promised to continue to use his influence to help the confederates, but reminded Granville that their success in the general election was not as certain as was presumed earlier. He hoped, however, that the "intellect and energy" of the confederates would "crush the ignorance and delusion" of their opponents.<sup>2</sup> In a letter to Sir Frederic Rogers one week before the election, he wrote: "The Anti's do not hesitate to indulge in any untruth that may mislead our ignorant people, and if they vote against

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<sup>1</sup>Ibid.<sup>2</sup>Ibid.



their own interests it is hardly to be wondered at."<sup>1</sup>

The Premier, in a letter to the Governor in October, suggested that the British Government would increase support for the confederates if it were to announce that the garrison in St. John's would be withdrawn if Newfoundland refused to join Canada, but would be retained if the colony voted to enter confederation.<sup>2</sup> The Executive Council and the more wealthy groups in the colony believed that the garrison, which was maintained at the expense of the British Government, was essential to ensure law and order and the protection of property. Carter stated that the anti-confederate claims that the garrison would be removed if Newfoundland joined the Dominion had great influence with the people. Governor Hill agreed with Carter and sent a copy of his letter to Granville. Granville's reply, stating that the British Government intended to remove the garrison, regardless of the decision on confederation, was not sent until January, 1870.<sup>3</sup> It did not arrive in time to prevent the anti-confederates from asserting throughout the election campaign that the British Government would not retain the garrison if Newfoundland were to unite with Canada.

The anti-confederates campaigned more vigourously and with more of a crusading spirit than their opponents and they put forward more candidates. For the thirty seats in the Assembly they nominated twenty-nine candidates, and only in

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<sup>1</sup>Hill to Rogers, November 5, 1869, C.O. 194/178.

<sup>2</sup>Carter to Hill, October 20, 1869, enclosed in Hill to Granville, No. 106, October 27, 1869, C.O. 194/178.

<sup>3</sup>Granville to Hill, No. 4, January 11, 1870, Despatches from Colonial Office, 1870 Volume.



Burgeo and LaPoile was a confederate returned without an election contest. The confederates nominated only twenty candidates. They did not contest the districts of St. John's West, Harbour Main, Ferryland, or Fortune Bay.<sup>1</sup> These districts returned a total of eight anti-confederates.<sup>2</sup> In the district of St. John's East, where three members were to be elected, W.T. Parsons was the only confederate candidate.<sup>3</sup> John Kent, who had been a representative of the district for many years and had been a member of the confederation delegation to Ottawa, did not contest the election<sup>4</sup>--perhaps largely from fear of defeat. In the remaining nine electoral districts there was an equal number of confederates and anti-confederates, or antis as they frequently were called.

There was great public excitement in most of these districts and in some of them riots seemed likely. On November 6th, two days before nominations, the magistrate at Port de Grave wrote to the returning officer at Brigus informing him that it was unsafe for the supporters of R.J. Pinsent, the confederate candidate for the district, to go out at night and that the antis would prevent them from voting for him unless a strong police force were provided.<sup>5</sup> Pinsent claimed that the anti-confederates pelted him with stones and sods on nomination day and informed both the returning officer and the Governor

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<sup>1</sup>See Appendix C.      <sup>2</sup>See Appendix A.

<sup>3</sup>Newfoundlander, November 16, 1869.

<sup>4</sup>Ibid., October 26, 1869.

<sup>5</sup>Hill to Granville, No. 112, November 22, 1869, and enclosures, C.O. 194/178.



of the need for a military force to maintain order at election time.<sup>1</sup> Four prominent citizens of Harbour Grace, "in view of the extensive demoralization of this District," on November 9th, petitioned the Governor to send one hundred troops to Bay Roberts and Spaniard's Bay to protect the voters.<sup>2</sup> Governor Hill had hoped that the presence of the H.M.S. Niobe at Harbour Grace would have been sufficient to deter election riots. But since he was now convinced that the antis hoped "to gain the election by violence and over-awing the more respectable portion of the community who are supporting the cause of Confederation" he decided to send the military force.<sup>3</sup> On November 10th, three days before polling was to begin, he instructed the commander of the garrison to send troops to Spaniard's Bay, Port de Grave, Brigus, and Bay Roberts to aid the civil authorities during the election.<sup>4</sup> These precautionary measures were successful; no riots broke out during the election and the troops were not called upon.<sup>5</sup> Governor Hill believed that, although no violence occurred, many confederates in Conception Bay, realizing that the troops would be withdrawn from the area shortly after the election, were afraid to vote.

The anti-confederates gained a large majority in the general election. They returned a total of twenty-one members,<sup>6</sup> eight of whom, as already noted, were elected by acclamation.

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<sup>1</sup>Ibid.      <sup>2</sup>Ibid.

<sup>3</sup>Hill to Granville, No. 111, November 10, 1869, and enclosure, C.O. 194/178.

<sup>4</sup>Ibid.      <sup>5</sup>Hill to Granville, No. 112, loc. cit.

<sup>6</sup>See Appendix A.



The confederates elected only nine members, several of whom were returned by small majorities. The anti-confederates, who had been elected by acclamation in the Roman Catholic districts of St. John's West, Harbour Main, and Ferryland, won large majorities in St. John's East and Placentia and St. Mary's,<sup>1</sup> both of which were overwhelmingly Roman Catholic. In the latter district, C.F. Bennett and two other anti-confederates defeated Ambrose Shea and his two colleagues who had previously represented the district. In Brigus and Port de Grave, J.B. Woods received over seven hundred votes and defeated Pinsent, his confederate opponent and the former representative of the district, by a majority of more than six hundred.<sup>2</sup> Two of Bennett's business associates were nominated for Twillingate and Fogo, the district in which the Tilt Cove copper mine was located. Each of them won over one thousand votes, defeating the former representatives of the district, William V. Whiteway and Thomas Knight, by a majority of over eight hundred.<sup>3</sup> The three anti-confederates in Bonavista Bay were elected, but defeated their opponents by only small majorities.<sup>4</sup> Trinity Bay returned two confederates and one anti and the confederates were victorious in Harbour Grace, Carbonear, and Bay de Verds.<sup>5</sup> Carter and Evans were elected in Burin by a narrow margin.<sup>6</sup> The anti-confederate party represented all the Roman Catholic districts in the colony although the majority of their members

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<sup>1</sup>Newfoundlander, November 16, 1869.

<sup>2</sup>Morning Chronicle, November 16, 1869.

<sup>3</sup>Ibid., November 23, 1869.

<sup>4</sup>Ibid., November 27, 1869.

<sup>5</sup>See Appendix A.

<sup>6</sup>Newfoundlander, November 19, 1869.



were Protestants.<sup>1</sup>

Governor Hill, in a despatch to Granville in the latter part of November, informed him, with regret, that the confederates had been defeated and tried to explain some of the reasons for it.<sup>2</sup> "The mass of the voters in this colony," he wrote, "are an ignorant, lawless, prejudiced body, the majority of whom living as they do in the Outports in almost a primitive state of existence, are unfit subjects for educated and intellectual men to attempt to reason with on the advantages of Confederation."<sup>3</sup> He claimed that some people had been too indifferent to vote and that others voted against the Carter administration because they hoped a new Government might be more liberal in the distribution of patronage, including poor relief. The party cry of the anti-confederates of selling the country had filled large numbers of the fishermen with alarm and many of them, the Governor wrote, had "flocked in from their huts . . . and begged the Confederate candidates--their former members--and in every case men of the highest respectability--to alter their views and they, the fishermen, would vote for them."<sup>4</sup> The Governor believed that the cry of "bleached bones and taxation" had an equally great effect. Many fishermen, he wrote, believed their sons would be drafted to fight for Canada and that the Dominion Government would tax their houses, land, fishing tackle, and even their children. The Governor

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<sup>1</sup>See Appendix A.

<sup>2</sup>Hill to Granville, Confidential, November 20, 1869, C.O. 194/178.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.



made no reference to the use of rum, which the Newfoundlander claimed the antis had freely distributed to gain support.<sup>1</sup> Hill maintained that the confederates, although a minority in numbers "are with respect to intelligence, wealth, position, and honesty of purpose, in large majority."<sup>2</sup> He declared that Bennett was the only prominent merchant the anti-confederates had elected and maintained that he had always opposed any change which he considered might be detrimental to his own interests. The Governor was convinced that it had been a fatal error to permit the uneducated masses of Newfoundland to decide on such an important subject as confederation. He suggested, in his despatch, that more forceful measures should now be resorted to:

Such being the state of affairs in the Colony, viz. that the men of position, the leading merchants, the people of intellect, the small traders and shopkeepers, etc., are all in favour of Confederation and of immediately accepting the very advantageous terms now offered by Canada and of endorsing the wishes of the British Government, while the opponents of Confederation are an ignorant mob totally devoid of judgement, and persuaded by selfish men whose sole desire is to gain power, and who occupy no position in this Country, I respectfully submit to your Lordship the expediency of incorporating Newfoundland with the Dominion by an Order in Council.<sup>3</sup>

He believed that if the British Government coerced Newfoundland into the union, the fishermen, when they realized that no heavy taxation was to be imposed, would be grateful to those who had forced the colony to join the Dominion.

Governor Hill's analysis of the reasons for the defeat of the confederates seems to have been only partially correct.

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<sup>1</sup>Newfoundlander, November 26, 1869.

<sup>2</sup>Hill to Granville, Confidential, loc. cit.

<sup>3</sup>Ibid.



Because a number of leading businessmen supported union, he seemed to have overlooked that many men of wealth and intelligence backed the anti-confederates. It is true that the confederates had the support of such large firms as Ridley and Sons and Punton and Munn of Harbour Grace, and Baine Johnston and Company, Bowring Brothers, Job Brothers, and other smaller St. John's businesses.<sup>1</sup> But few firms in the colony carried on as extensive a trade as Bennett, who, in addition to his Tilt Cove copper mine, had a foundry, a brewery, and a general business in St. John's. The large firms of Walter Grieve and Company and Harvey and Company were staunch supporters of the anti-confederates.<sup>2</sup> The firm of P. and L. Tessier was divided on confederation, one member supporting it and the other a strong anti. In a despatch to Granville in December, Hill gave the names of nineteen firms which had supported confederation and gave only five who opposed it.<sup>3</sup> Strong anti-confederates, who were members of the Chamber of Commerce, such as Robert Prowse, William Pitts, T.R. Smith, Robert Thorburn, Henry Dickenson, and J.B. Woods were not mentioned in the Governor's statement.<sup>4</sup> The three anti-confederate candidates for Trinity Bay, Robert Alsop, Stephen March, and F.J. Wyatt, had all been former Conservative members of the Assembly. Thomas R. Bennett, anti-confederate member for Fortune Bay, was a brother of C.F. Bennett and had also

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<sup>1</sup>Hill to Granville, Confidential, December 8, 1869, and enclosures, C.O. 194/178.

<sup>2</sup>Ibid.      <sup>3</sup>Ibid.

<sup>4</sup>Ibid.; and Minute Book of Chamber of Commerce, 1866-75, p. 125.



supported the Carter Government during its term of office. Joseph Little, one of the anti-confederate members for Harbour Main, was a lawyer and brother of the first Premier of the colony. The eight Opposition members during the Carter administration, all staunch anti-confederates, although perhaps not men of wealth or exceptional ability must be credited with some intelligence. Moreover, while many of the confederates supporters seemed only half-hearted in their action, most of the antis seemed to have been filled with a crusading spirit and a firm determination to prevent the achievement of confederation.

The Secretary of State for the Colonies and the Canadian Government regretted the defeat of the confederates in Newfoundland, but both disagreed with Hill's suggestion that the colony be forced to join confederation. Granville, in his reply, informed the Governor that by the 146th section of the British North America Act the Queen could admit Newfoundland into the Dominion only after receiving addresses from the Parliament of Canada and the Legislature of the colony.<sup>1</sup> Thus, it was impossible and, in his opinion, undesirable to force Newfoundland into union. Granville advised Hill, however, to use his influence to correct the misrepresentation which the anti-confederates had propagated. He reminded the Governor that, although he would have to co-operate with his new ministers, "to be careful not to lend the sanction of your name or authority to any statements which are calculated to create an

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<sup>1</sup>Granville to Hill, Confidential, December 24, 1869, Despatches from Colonial Office, 1869 Volume.



unfair prejudice against the scheme of confederation."<sup>1</sup> John A. Macdonald, Prime Minister of the Dominion, after receiving a copy of the despatch which Hill had sent to Granville on the election results, expressed the view that the defeat of the confederates was unfortunate because it would delay completion of the Imperial policy to unite all the British North American possessions under one Government.<sup>2</sup> "It would never do" he informed the Governor-General, "to adopt . . . Hill's suggestion of adding Newfoundland to the Dominion by an Act of the Imperial Parliament."<sup>3</sup> Failure to consult the electors in Nova Scotia had produced a great outburst there, which the Dominion had settled only with much difficulty and expense and Macdonald wished to avoid a similar, or worse occurrence in Newfoundland. He declared that the acquisition of the colony was of no importance to the Dominion and that the terms his Government had offered were so liberal that it was a bad bargain financially. "We can wait, therefore," he wrote, "with all patience for the inevitable reaction that must take place in a year or two."<sup>4</sup>

Throughout the remainder of 1869 and the first part of the following year, Governor Hill continued his efforts to promote confederation. In a despatch to Granville in December, he again asked if the action of the ignorant masses of a small

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<sup>1</sup>Ibid.

<sup>2</sup>Macdonald to Governor-General, December 8, 1869, printed in G.F.G. Stanley, "Sir Stephen Hill's Observations on the Election of 1869 in Newfoundland," The Canadian Historical Review, XXIX (September, 1948), p. 284.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.



colony were to be permitted to hamper a great national policy.<sup>1</sup> He suggested that, if the British Government thought it inexpedient to annex Newfoundland to the Dominion by Order-in-Council, it might achieve its objective by hinting that the colony would be made a dependency of Canada. He believed the Newfoundlanders would agree to confederate rather than accept a dependency status. He suggested, also, that if the coast of Labrador, a dependency of Newfoundland, were transferred to Canada "a desire to follow the political fortunes of that territory would almost certainly spring up among the fishermen" of the colony.<sup>2</sup> Both suggestions were rejected by the British Government,<sup>3</sup> which seemed less anxious to have Newfoundland join the Dominion than the Governor had supposed.

Governor Hill, in his speech opening the Legislature in 1870, strongly affirmed the advantages of confederation. After quoting extracts from Granville's despatches showing his support for union and his belief that Newfoundland would benefit by it, he concluded:

The views of an enlightened British Statesman, and of the highest authorities on Colonial affairs, need no endorsement from me, but it is quite clear that the current of opinions and events has strongly set in toward Union, and I firmly trust that nothing will occur to check, turn, or divert Newfoundland from gliding onward, and that the advance already made may be continued until this Colony joins the Dominion; thus completing the Great End so anxiously desired by the Imperial Government.<sup>4</sup>

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<sup>1</sup>Hill to Granville, Confidential, December 8, 1869, C.O. 194/178.

<sup>2</sup>Ibid.

<sup>3</sup>Granville to Hill, Confidential, January 14, 1870, C.O. 194/178, pp. 417-18.

<sup>4</sup>Journal of Assembly, February 3, 1870.



Shortly after the Assembly opened it passed a motion of non-confidence in the Government. Carter and his colleagues resigned and C.F. Bennett became the new Premier.<sup>1</sup> The Governor's attempts to promote confederation had little influence on the new Government and the Assembly in its address in reply emphasized that the general election showed that the people were overwhelmingly convinced that union would not be conducive to their interests.<sup>2</sup> "Firm in their adhesion to the fortunes of the Mother Country," the address stated, "the people of Newfoundland shrink from the idea of linking their destinies with a Dominion in the future of which they can at present see nothing to inspire hope, but much to create apprehension."<sup>3</sup> An amendment by the Opposition was defeated by a vote of eighteen to five.<sup>4</sup> The Governor, responding to the address, informed the Assembly that he did not agree with its opinion that the people were certain that confederation would not benefit them.<sup>5</sup> He admitted that the people had shown their opposition to confederation in the election, but expressed confidence that when the subject was more calmly and maturely considered and better understood by the fishermen they would accept it.

The Governor and the confederates were confident, like John A. Macdonald, that a reaction in favour of union would quickly develop. In a despatch to Granville in March, Hill

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<sup>1</sup>Hill to Granville, No. 13, February 16, 1870, C.O. 194/179.

<sup>2</sup>Journal of Assembly, February 17, 1870.      <sup>3</sup>Ibid.

<sup>4</sup>Ibid., February 18, 1870.      <sup>5</sup>Ibid., February 19, 1870.



informed him that he had heard rumours that discord was developing among the anti-confederate members of the Assembly.<sup>1</sup> The party included strong Conservatives such as C.F. Bennett, Francis Winton, and Robert Alsop and such outspoken Liberals as Thomas Glen, R.J. Parsons, and Thomas Talbot. The Governor was convinced that they would not be able to remain united. But he admitted that it was useless to speculate on the term of the Government's existence. Hill reported that the confederates, instead of being disheartened by their defeat, were more aware than ever of the urgent need to keep spreading information on union. To do this, they had established a Confederate League, which included a number of the principal merchants and other influential men and aimed to explain confederation and destroy the irrational prejudices which had led to the success of the anti-confederates.<sup>2</sup> Granville in his reply approved the way Hill had been trying to stimulate support for union and expressed pleasure that confederate strength seemed to be increasing.<sup>3</sup> The Governor, in his speech closing the Legislature, reminded the members that the British Government desired speedy completion of union and, although he admitted that further consideration of the subject might be beneficial, he advised the members "to study the present wants of the community, and if the opportunity presents itself, to seize the proffered hand,

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<sup>1</sup>Hill to Granville, Confidential, March 10, 1870, C.O. 194/179.

<sup>2</sup>Ibid.

<sup>3</sup>Granville to Hill, Confidential, April 14, 1870, Despatches from Colonial Office, 1870 Volume.



and not to grasp at some ideal perfection."<sup>1</sup>

The Legislature did not follow the Governor's advice and public interest in confederation declined. The Bennett Government did not collapse from disunity as Hill had expected, but remained in office for a regular term of four years before a general election was held. During the early 1870's the fishery was successful, the crops were usually good, mining output expanded, and there was general prosperity throughout the colony. The confederates, who had been urging that by joining the Dominion Newfoundland would overcome its depression, found that one of their main arguments no longer applied. Government revenue was higher than that provided by the terms of union, customs duties had not been raised, and the colony continued to import most of its requirements from the United States and Britain. St. John's became a regular port of call for one of the steam ship lines which travelled between the mainland of America and Britain.<sup>2</sup> The Government included both Roman Catholics and Protestants and there was no revival of sectarian antagonism. The colony made up for the loss of the garrison, which was withdrawn in 1870, by increasing the police force in size and efficiency. Canada made no effort to entice Newfoundland into union during these years and the British Government was not inclined to exert the strong pressure on the colony that Governor Hill had suggested. Confederation was not discussed during subsequent sessions of the Legislature

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<sup>1</sup>Journal of Assembly, May 9, 1870.

<sup>2</sup>Prowse, History of Newfoundland, p. 659.



and although Carter and his colleagues were reelected in 1874 they made no effort to reopen the question. Railway building, which was later to burden the colony with a large debt, had not yet begun and the Government's financial position remained strong. With continuing prosperity and increased political stability there seemed little reason to join Canada. For a short time, at least, it looked as if Newfoundland might successfully pursue an independent course.



APPENDIXES



## APPENDIX A

## MEMBERS ELECTED TO HOUSE OF ASSEMBLY, 1855-1869

## Members Returned in General Election of 1855

District	Name	Party	Religion
St. John's West	P.F. Little	Liberal	R.C.
	A. Shea	"	"
	J. Fox	"	"
St. John's East	J. Kent	"	"
	R.J. Parsons	"	Prot.
	P. Winser	"	R.C.
Harbour Grace	J.L. Prendergast	"	"
	J. Hayward	"	Prot.
Carbonear	E. Handrahan	"	R.C.
Harbour Main	T. Byrne	"	"
	W. Talbot	"	"
Brigus & Port de Grave	R. Brown	Conservative	Prot.
Bay de Verds	J. Bemister	"	"
Trinity Bay	S. March	"	"
	J. Winter	"	"
	F.B.T. Carter	"	"
Bonavista Bay	R. Carter	"	"
	J.H. Warren	"	"
	M. Walbank	"	"
Twillingate & Fogo	W.H. Ellis	"	"
	T. Knight	"	"
Ferryland	T. Glen	Liberal	Prot.
	E.D. Shea	"	R.C.
Placentia & St. Mary's	G.J. Hogsett	"	"
	M.J. Kelly	"	"
	J. Delaney	"	"
Burin	C. Benning	"	"
	P. Morris	"	"
Fortune Bay	H.W. Hoyles	Conservative	Prot.
Burgeo & LaPoile	R. Prowse	"	"



## APPENDIX A (cont.)

## Members Returned in General Election of 1859

District	Name	Party	Religion
St. John's West	P.M. Barron	Liberal	R.C.
	J. Casey	"	"
	T.S. Dwyer	"	"
St. John's East	J. Kent	"	"
	R.J. Parsons	"	Prot.
	J. Kavanagh	"	R.C.
Harbour Grace	J.L. Prendergast	"	"
	J. Hayward	"	Prot.
Carbonear	E. Handrahan	"	R.C.
Harbour Main	P. Nowlan	"	"
	C. Furey	"	"
Brigus & Port de Grave	J. Leamon	Conservative	Prot.
Bay de Verds	J. Bemister	"	"
Trinity Bay	S. Rendell	"	"
	J. Winter	"	"
	F.B.T. Carter	"	"
Bonavista Bay	S. March	"	"
	J.H. Warren	"	"
	M. Walbank	"	"
Twillingate & Fogo	W.V. Whiteway	"	"
	T. Knight	"	"
Ferryland	T. Glen	Liberal	"
	E.D. Shea	"	R.C.
Placentia & St. Mary's	G.J. Hogsett	"	"
	J.W. English	"	"
	J. Delaney	"	"
Burin	A. Shea	"	"
	J.J. Rogerson	"	Prot.
Fortune Bay	R. Carter	Conservative	"
Burgeo & LaPoile	J. Seaton	"	"



## APPENDIX A (cont.)

## Members Returned in General Election of 1861

District	Name	Party	Religion
St. John's West	J. Casey	Liberal	R.C.
	T. Talbot	"	"
	H. Renouf	"	"
St. John's East	J. Kent	"	"
	R.J. Parsons	"	Prot.—
	J. Kavanagh	"	R.C.
Harbour Grace	J. Hayward	Conservative	Prot.
	H. Moore	"	"
Carbonear	E. Handrahan	Liberal	R.C.
Harbour Main	T. Byrne	"	"
	P. Nowlan	"	"
Brigus & Port de Grave	J. Leamon	Conservative	Prot.
Bay de Verds	J. Bemister	"	"
Trinity Bay	S. Rendell	"	"
	J. Winter	"	"
	F.B.T. Carter	"	"
Bonavista Bay	S. March	"	"
	J.H. Warren	"	"
	M. Walbank	"	"
Twillingate & Fogo	W.V. Whiteway	"	"
	T. Knight	"	"
Ferryland	T. Glen	Liberal	"
	E.D. Shea	"	R.C.
Placentia & St. Mary's	A. Shea	"	"
	W.G. Flood	"	"
	R. McGrath	"	"
Burin	H.W. Hoyles	Conservative	Prot.
	E. Evans	"	"
Fortune Bay	R. Carter	"	"
Burgeo & LaPoile	D.W. Prowse	"	"

N.B. The members for Harbour Grace were returned in a deferred election in November, about six months after the general election. The members for Harbour Main took their seats in June, following a decision of the Assembly.



## APPENDIX A (cont.)

## Members Returned in General Election of 1865

District	Name	Party	Religion
St. John's West	J. Casey	Coalition	R.C.
	T. Talbot	Opposition	"
	H. Renouf	"	"
St. John's East	J. Kent	Coalition	"
	R.J. Parsons	Opposition	Prot.
	J. Kavanagh	"	R.C.
Harbour Grace	J. Hayward	Coalition	Prot.
	W.S. Green	"	"
Carbonear	J. Rorke	"	"
Harbour Main	G.J. Hogsett	Opposition	R.C.
	C. Furey	"	"
Brigus & Port de Grave	J. Leamon	Coalition	Prot.
Bay de Verds	J. Bemister	"	"
Trinity Bay	S. Rendell	"	"
	F.J. Wyatt	"	"
	S. March	"	"
Bonavista Bay	J.H. Warren	"	"
	J.T. Burton	"	"
	J.T. Oakley	"	"
Twillingate & Fogo	W.V. Whiteway	"	"
	T. Knight	"	"
Ferryland	T. Glen	Opposition	"
	M. Kearney	"	R.C.
Placentia & St. Mary's	A. Shea	Coalition	"
	P.M. Barron	"	"
	T. O'Rielly	"	"
Burin	F.B.T. Carter	"	Prot.
	E. Evans	"	"
Fortune Bay	T.R. Bennett	"	"
Burgeo & LaPoile	D.W. Prowse	"	"

N.B. In 1868 J. Kavanagh transferred his support to the Coalition Government.



## APPENDIX A (cont.)

## Members Returned in General Election of 1869

District	Name	Party	Religion
St. John's West	P. Brennan	Anti-Confederate	R.C.
	T. Talbot	"	"
	H. Renouf	"	"
St. John's East	W.P. Walsh	"	"
	J.A. Jordan	"	"
	R.J. Parsons	"	Prot.
Harbour Grace	J. Munn	Confederate	"
	W.S. Green	"	"
Carbonear	J. Rorke	"	"
Harbour Main	J.I. Little	Anti-Confederate	R.C.
	J. Kennedy	"	"
Brigus & Port de Grave	J.B. Wood	"	Prot.
Bay de Verds	J. Bemister	Confederate	"
Trinity Bay	S. Rendell	"	"
	T.H. Ridley	"	"
	R. Alsop	Anti-Confederate	"
Bonavista Bay	J.L. Noonan	"	"
	F. Winton	"	"
	W.M. Barnes	"	"
Twillingate & Fogo	S. McKay	"	"
	C. Duder	"	"
Ferryland	T. Glen	"	"
	T. Battcock	"	R.C.
Placentia & St. Mary's	C.F. Bennett	"	Prot.
	H. Renouf	"	R.C.
	R.J. Parsons Jr.	"	Prot.
Burin	F.B.T. Carter	Confederate	"
	E. Evans	"	"
Fortune Bay	T.R. Bennett	Anti-Confederate	"
Burgeo & LaPoile	P. Emerson	Confederate	"



## APPENDIX A (cont.)

## Changes in Members of Assembly through By-Elections

## Changes through by-elections, 1855-59:

In 1857, J. Casey, Liberal, replaced J. Fox for St. John's West and J. Kavanagh, Liberal, replaced P. Winsor for St. John's East; in 1858, J.J. Geran, Liberal, replaced P.F. Little for St. John's West and W.V. Whiteway, Conservative, replaced W.H. Ellis for Twillingate and Fogo.

## Changes through by-elections, 1859-61:

In 1860, H.W. Hoyles, Conservative, replaced J. Seaton for Burgeo and LaPoile and R. McGrath, Liberal, replaced J. Delaney for Placentia and St. Mary's.

## Changes through by-elections, 1861-65:

In 1861, P.M. Barron, Liberal, replaced W.G. Flood for Placentia and St. Mary's; in 1862, J. Rorke, Conservative, replaced E. Handrahan for Carbonear; and in 1864, F.J. Wyatt, Conservative, replaced M. Walbank for Bonavista Bay.

## Changes through by-elections, 1865-69:

In 1866, R. Alsop, Coalition, replaced S. March for Trinity Bay and P. Brennan, Opposition, replaced J. Casey for St. John's West; in 1867, J.I. Little, Opposition, replaced C. Furey for Harbour Main and R.J. Pinsent, Coalition, replaced J. Leamon for Brigus and Port de Grave; and in 1868, J. Godden, Coalition, replaced J. Hayward for Harbour Grace.



## APPENDIX B

## MEMBERS OF EXECUTIVE COUNCIL, 1855-1869

The Little Government, 1855-58

Name	Office	Religion
Philip F. Little	Attorney General	R.C. <sup>4</sup>
John Kent	Colonial Secretary	"
Lawrence O'Brien	President of Legislative Council	"
Thomas Glen	Receiver General	Prot. <sup>2</sup>
Edmund Handrahan	Surveyor General	R.C.
George H. Emerson	Solicitor General	Prot.

N.B. James J. Rogerson replaced George Emerson in 1857.

The Kent Government, 1858-61

Name	Office	Religion
John Kent	Colonial Secretary	R.C. <sup>5</sup>
Lawrence O'Brien	President of Legislative Council	"
Thomas Glen	Receiver General	Prot. <sup>2</sup>
Edmund Handrahan	Surveyor General	R.C.
James J. Rogerson	Director of Savings Bank	Prot.
Edward D. Shea	No office	R.C.
George J. Hogsett	Attorney General	"

The Hoyles Government, 1861-65

Name	Office	Religion
Hugh W. Hoyles	Attorney General	Prot. <sup>4</sup>
Lawrence O'Brien	President of Legislative Council	R.C. <sup>1</sup>
Robert Carter	Colonial Secretary	Prot.
Nicholas Stabb	Director of Savings Bank	"
John Bemister	Receiver General	"

N.B. Two positions reserved for Roman Catholic members of the Assembly remained unfilled.



## APPENDIX B (cont.)

The Carter Government, 1865-70

<u>Name</u>	<u>Office</u>	<u>Religion</u>
F.B.T. Carter	Attorney General	Prot. <sup>4</sup>
Lawrence O'Brien	President of Legislative Council	R.C.
Robert Carter	No office	Prot.
Nicholas Stabb	Director of Savings Bank	"
John Bemister	Colonial Secretary	"
Ambrose Shea	No office	R.C. <sup>3</sup>
John Kent	Receiver General	"

N.B. John Hayward, Solicitor General, replaced Robert Carter in 1866, but resigned from the Government in 1868.

The Bennett Government, 1870

<u>Name</u>	<u>Office</u>	<u>Religion</u>
Charles Fox Bennett	Premier. No office	Prot. <sup>4</sup>
James Shannon Clift	No office	"
Thomas Talbot	No office	R.C. <sup>3</sup>
Thomas Glen	Receiver General	Prot.
Henry Renouf	Surveyor General and Chairman of Board of Works	R.C.
Robert Alsop	Colonial Secretary	Prot.
Joseph I. Little	Attorney General	R.C.



## APPENDIX C

NUMBER OF VOTERS ELIGIBLE, VOTES CAST AND DISTRICTS  
CONTESTED IN GENERAL ELECTIONS, 1855-1869

District	General Election 1855		General Election 1859	
	Voters Eligible	Votes Cast	Voters Eligible	Votes Cast
St. John's West	1,749	No contest	2,040	1,020
St. John's East	2,442	" "	2,626	No contest
Harbour Grace	1,193	" "	1,272	482
Carbonear	655	" "	761	No contest
Harbour Main	750	" "	980	" "
Brigus & Port de Grave	407	" "	572	" "
Bay de Verds	888	608	924	" "
Trinity Bay	1,368	No contest	1,540	710
Bonavista Bay	1,139	622	1,103	No contest
Twillingate & Fogo	1,171	630	1,324	" "
Ferryland	794	No contest	821	" "
Placentia & St. Mary's	1,137	" "	1,184	" "
Burin	497	478	727	404
Fortune Bay	386	No contest	442	No contest
Burgeo & LaPoile	447	" "	496	" "



## APPENDIX C (cont.)

District	General Election 1861		General Election 1865	
	Voters Eligible	Votes Cast	Voters Eligible	Votes Cast
St. John's West	2,356	No contest	2,356	No contest
St. John's East	2,815	1,824	2,815	1,561
Harbour Grace	1,470	1,325	1,806	1,181
Carbonear	744	No contest	859	No contest
Harbour Main	933		944	760
Brigus & Port de Grave	568	" "	995	No contest
Bay de Verds	923	" "	996	" "
Trinity Bay	1,540	" "	1,854	1,356
Bonavista Bay	1,103	" "	1,424	664
Twillingate & Fogo	1,324	" "	1,639	1,100
Ferryland	962	655	988	No contest
Placentia & St. Mary's	1,184	No contest	1,388	884
Burin	610	" "	873	652
Fortune Bay	443	" "	656	No contest
Burgeo & LaPoile	534	" "	597	" "



## APPENDIX C (cont.)

District	General Election 1869	
	Voters Eligible	Votes Cast
St. John's West	1,975	No contest
St. John's East	2,632	1,694
Harbour Grace	1,849	1,525
Carbonear	789	632
Harbour Main	1,003	No contest
Brigus & Port de Grave	954	838
Bay de Verds	934	662
Trinity Bay	1,900	1,669
Bonavista Bay	1,600	1,233
Twillingate & Fogo	1,808	1,271
Ferryland	939	No contest
Placentia & St. Mary's	1,390	988
Burin	890	760
Fortune Bay	728	No contest
Burgeo & LaPoile		" "



## APPENDIX D

POPULATION OF DISTRICTS ACCORDING TO DENOMINATION  
1857 and 1869

District	Census 1857			Census 1869		
	Pop.	R.C.	Prot.	Pop.	R.C.	Prot.
St. John's West	13,124	10,033	3,091	11,646	8,760	2,886
St. John's East	17,352	11,867	5,485	17,204	11,247	5,957
Harbour Grace	10,067	3,390	6,677	12,740	4,153	8,587
Carbonear	5,233	2,582	2,651	5,633	2,368	3,265
Harbour Main	5,386	4,153	1,233	6,542	4,982	1,560
Brigus & Port de Grave	6,489	1,637	4,852	7,536	1,910	5,636
Bay de Verds	6,221	1,583	4,638	7,057	1,731	5,326
Trinity Bay	10,736	1,253	9,483	13,817	1,384	12,433
Bonavista Bay	8,850	2,030	6,820	11,560	2,420	9,140
Twillingate & Fogo	9,717	1,442	8,275	13,067	1,961	11,106
Ferryland	5,228	5,093	135	5,991	5,817	174
Placentia & St. Mary's	8,334	7,156	1,178	8,794	7,390	1,404
Burin	5,529	2,354	3,175	6,731	2,546	4,185
Fortune Bay	3,493	647	2,846	5,233	1,290	3,943
Burgeo & LaPoile	3,545	89	3,456	5,119	142	4,977
French Shore	3,334	1,586	1,748	5,387	2,466	2,921
Labrador				2,479	483	1,996
Total	122,638	56,895	65,743	146,536	61,050	85,496

N.B. In the 1869 returns there are errors in the figures for Brigus and Port de Grave and in the total population of the colony.



## APPENDIX E

## REVENUE, EXPENDITURE AND DEBT OF THE COLONY, 1855-1869

Year	Revenue	Expenditure	Floating Debt	Public Debt
1855	£126,448	£120,926		£151,804
1856	£118,831	£105,845		£167,257
1857	£149,324	£116,748	Non existent until 1861	£176,706
1858	£141,128	£173,965		£175,650
1859	£133,734	£145,310		£177,018
1860	£133,608	£120,728		£182,139
1861	£90,043	£126,753	£18,404	£180,958
1862	£116,929	£138,058	£26,023	£173,642
1863	£113,034	£115,225	£32,616	£172,795
1864	£125,158	£125,159	£36,099	£177,261
1865	\$602,120	\$722,152	\$250,678	\$911,563 or £197,505
1866	\$721,390	\$671,944	\$215,080	\$968,581
1867	\$630,621	\$673,816	\$268,284	\$986,396
1868	\$860,834	\$832,582	\$258,569	\$1,047,669
1869	\$849,581	\$666,492	\$66,514	\$1,161,317



## APPENDIX F

GOVERNMENT EXPENDITURE ON POOR RELIEF, ROADS, EDUCATION  
AND STEAM BOAT SERVICE, 1855-1869

Year	Poor Relief	Roads & Bridges	Education	Steam Boat Service
1855	£17,786	£3,800	£8,871	£750
1856	£15,725	£7,567	£8,227	£300
1857	£8,385	£13,081	£11,558	£300
1858	£10,234	£19,056	£15,129	£1,389
1859	£12,701	£14,999	£14,579	£10,097
1860	£14,069	£12,043	£13,756	£945
1861	£20,592	£2,935	£13,401	£9,282
1862	£32,544	£4,895	£13,350	£1,020
1863	£26,717	£3,576	£13,730	£3,000
1864	£15,123	£10,738	£13,814	£5,006
1865	\$130,017	\$46,591	\$61,750	\$21,200
1866	\$83,721	\$85,763	\$62,203	\$20,372
1867	\$88,267	\$122,463	\$66,374	\$27,277
1868	\$100,398	\$152,870	\$63,994	\$49,203
1869	\$92,719	\$86,575	\$64,868	\$38,302



## APPENDIX G

## VALUE OF PRINCIPAL EXPORTS, 1855-1869

Year	Dried Cod	Seal Skins	Seal & Cod Oil	Herring	Salmon
1855	1,107,388 cwt. worth £680,283	£46,836	£301,269	£19,794	£13,578
1856	1,268,334 cwt. worth £789,124	£71,386	£394,227	£19,220	£9,801
1857	1,392,322 cwt. worth £1,006,129	£99,217	£424,261	£31,128	£15,936
1858	1,038,089 cwt. worth £765,101	£88,834	£357,881	£51,345	£12,400
1859	1,105,793 cwt. worth £894,966	£57,667	£308,491	£34,910	£17,651
1860	1,138,544 cwt. worth £846,238	£51,631	£304,765	£31,856	£18,824
1861	1,021,720 cwt. worth £668,263	£56,292	£281,463	£32,189	£14,620
1862	1,080,069 cwt. worth £787,821	£40,294	£256,435	£17,242	£12,709
1863	811,777 cwt. worth				
1864	849,339 cwt. worth £798,460	£18,893	£216,384	£30,303	£9,320
1865	801,339 cwt. worth £706,352	£37,881	£320,875	£33,634	£12,559
1866	716,690 cwt. worth \$3,654,455	\$201,771	\$1,310,077	\$181,650	\$101,216
1867	815,088 cwt. worth \$2,956,196	\$313,233	\$1,371,835	\$181,422	\$89,200
1868	618,063 cwt. worth \$2,378,655	\$268,686	\$1,242,787	\$152,265	\$108,966
1869	874,106 cwt. worth \$3,500,951	\$334,958	\$1,653,962	\$167,096	\$107,792

N.B. These figures do not include Labrador, from which large shipments of fish were made, but for which statistics are not available.



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## BIBLIOGRAPHY

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#### Newfoundland Bibliography

This bibliography is being compiled under the direction of Miss Agnes O'Dea, Research Librarian, Department of History, Memorial University of Newfoundland. It is by far the most complete list of printed material, including periodical articles relating to Newfoundland and Labrador.



## PRIMARY SOURCES

## I. MANUSCRIPT SOURCES

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## C.O., series 194.

Volumes 144-180 (1855-70)

Chiefly in-letters, frequently with enclosures, from the Governors of Newfoundland and drafts of replies from the Colonial Office as well as memoranda by the officials on the Governor's despatches. In-letters, also, from other departments, such as the Admiralty, Board of Trade, and Foreign Office on subjects relating to Newfoundland and some inter-departmental correspondence. This series is the main file of Colonial Office documents relating to Newfoundland and has been the most important source of material for this thesis.

## C.O., series 195.

Volume 23, the last of the series (1859-67)

Entry books of instructions, commissions, and other correspondence of the Colonial Office to the Governors of Newfoundland. Largely duplicates of material in C.O., series 194.

2. Records of the Governor's Office (Newfoundland Archives)Despatches from the Colonial Office, series G1.

Volumes (or cartons) 24-26 (1855-70)

Despatches, often with enclosures, from the Secretary of State for the Colonies and other Colonial Officials to the Governors of Newfoundland.

Miscellaneous Papers and Despatches, series G3.

Volumes (or cartons) 1-5 (1850-72) <sup>1959</sup>

Correspondence from the local government departments, from local persons, from the Governors-General of Canada, and the governors of the other provinces and reports and memoranda dealing with a wide variety of subjects, such as fisheries and the French Shore.

Letter Books of Despatches to the Colonial Office, series G11.

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local government officials and members of the Legislature, to private citizens and the Governors-General of Canada.

### 3. Records of the Colonial Secretary's Office (Newfoundland Archives)

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Volumes 50-55 (1855-72, except 1865-66 for which there are no volumes)

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Incoming Correspondence of the Colonial Secretary's Office, series S2.

Volumes: 77, Letters (1859); 78, Letters (1863-64); 79, Letters (1866-67); 80, Letters (1867-68); 81, Letters (1870); 82, Reports and Petitions (1870); and 93, Despatches (1837-77)

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Volumes 3-5 (1855-74)

Miscellanea, series S5.

Volume 7: Correspondence of the Colonial Secretary Relating Chiefly to Election Procedures and Legislative Business, 1856-90.

Proclamations, series S6.  
Volumes 3-5 (1859-69)

Miscellaneous proclamations issued by the Governor of Newfoundland.

### 4. Blue Books of Statistics on Newfoundland

Thirty-four volumes (1836-70, except 1863, for which the copy is missing from the Newfoundland Archives)

Annual reports on such things as revenue, expenditure, the public debt, legislation, political franchise, members of the Legislative and Executive Council and of the Assembly, population, and exports and imports.

## B. Private Sources

### 1. Little Papers (Microfilm copy, Newfoundland Archives)

Correspondence and papers of Philip F. Little. Mainly concerned with his efforts to gain responsible government for Newfoundland. The material is very brief and of no great value for this thesis.

### 2. St. John's Chamber of Commerce (Newfoundland Archives)

Minute Books, Volumes 4-5 (1860-75); Carton 1, Governor's



correspondence with the Chamber (1857-84); Carton 2, Colonial Secretary's correspondence with the Chamber (1852-92); Carton 3, Annual reports; Carton 6, Addresses and replies; Carton 9, Correspondence relating to Confederation; and Carton 13, Statements of exports by Newfoundland firms.

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House of Assembly, Journals.  
Sixteen volumes (1854-70)  
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The Gosling Memorial Library, St. John's, has the best collection of Newfoundland newspapers. Its files are, nevertheless, incomplete and missing volumes are seldom available elsewhere. The volumes used in the preparation of this thesis are given below.



The Courier.

Two volumes (1861 and 1869)

A bi-weekly newspaper edited by Joseph Woods. It had a Liberal bias, opposed the dismissal of the Kent Government, and supported confederation until 1869 when it switched its allegiance.

The Day-Book.

Two volumes (1862 and 1865)

A daily paper in existence from 1862 to 1865 and edited by Francis Winton, a Protestant, conservative, and anti-confederate.

The Morning Chronicle.

Three volumes (1867-69)

Edited by Francis Winton and in existence from 1865 to 1867, this was the chief anti-confederate newspaper. Its editor was elected to the Assembly in 1869.

The Newfoundlander.

Thirteen volumes (1857-70)

A bi-weekly paper edited by Edward D. Shea, a Liberal member of the Assembly, 1855-65, a member of the Executive Council during the Kent Government, and a Legislative Councillor after 1865. The paper strongly supported the Coalition Government and was the principal confederate newspaper.

The Newfoundland Express (changed to The Express in 1866).

Three volumes (1860, 1861, and 1869)

Edited by James Seaton, a Protestant conservative, the paper supported the dismissal of the Kent Government and strongly backed the Coalition and confederation.

The Patriot and Terra Nova Herald.

Six volumes (1860-61, 1865-68)

A weekly newspaper edited by R.J. Parsons, a Liberal and later anti-confederate member of the Assembly.

The Public Ledger and Newfoundland General Advertiser.

Thirteen volumes (1857-70)

A bi-weekly newspaper edited by Henry Winton, a Protestant conservative, until 1866. Later edited by Adam Scott for Elizabeth M. Winton. After 1866 the paper became pro-confederate.

The Record.

Two volumes (1862-63)

A weekly paper with a strong Liberal and Roman Catholic bias, edited by Bernard Duffy and in 1863, the second and last year of its existence, by G.J. Hogsett.

The Standard and Conception Bay Advertiser.

Two volumes (1863 and 1867)

This paper was published weekly and contained little discussion of political questions.



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Three volumes (1861, 1865, and 1869)

Edited by Robert Winton after April, 1861 when his brother, Francis, resigned as co-editor. The paper had a Protestant conservative bias, but was strongly confederate.

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Three volumes (1861, 1865, and 1869)

A weekly paper edited by John Thomas Burton, a Protestant, conservative, and pro-confederate.

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A bi-weekly paper edited by John McCoubrey. It printed debates of the Legislative Council and had little discussion of political questions.

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